

of Winchester, Mass., for the suppression of the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PICKLER: Sundry petitions and resolutions urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. SORG: Petition of the Ohio State board of health, Columbus, Ohio, for a permanent census service—to the Committee on Appropriations.

By Mr. SOUTHARD: Petition of S. H. Rodebaugh and 2 other citizens of Lindsey, Ohio, in favor of the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Ohio State Medical Society, in favor of House bill No. 8777, to provide for the examination of immigrants at ports of debarkation—to the Committee on Immigration and Naturalization.

By Mr. TRUMAN H. ALDRICH: Petition of colored citizens of beat 12, Hale County, Ala., for relief from military duty—to the Committee on the Judiciary.

By Mr. WHEELER: Sundry petitions of Robert Andrews and 66 other citizens, I. James and 18 others, P. Brown and 22 others, H. A. Skeggs and 19 others, J. E. Brown and 21 others, W. R. Rutland and 10 others, C. C. Ledbetter and 21 others, R. C. Gunter and 24 others, I. G. Grayson and 21 others, and L. W. Houston and many other citizens, in the State of Alabama, favoring the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

[Continuation of proceedings, legislative day, Saturday, February 27, 1897.]

The Senate reassembled at the expiration of the recess, at 3 o'clock p. m., Sunday, February 28, 1897.

EXTENSION OF FOREST RESERVATIONS.

Mr. ALLEN presented a telegram, in the nature of a memorial, remonstrating against carrying into execution the recent Executive order for the extension of the forest reservations; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., February 26, 1897.

Senator W. V. ALLEN, Washington, D. C.:

"Whereas by an Executive order issued February 22, 1897, by Grover Cleveland, President of the United States, 21,000,000 acres of public lands in the States of the Northwest have been reserved from occupation and settlement, of which 3,000,000 acres are in the State of Wyoming and the Black Hills of South Dakota, making with lands heretofore reserved 40,000,000 acres in area of the public domain closed to development; and

"Whereas such order has as its result the destruction or abandonment of many important industries now in prosperous existence in said territory, being agriculture, manufacturing, and mining; and

"Whereas the growth of said country in material wealth and population is of the greatest importance to the agricultural States of the Missouri and Mississippi valleys, and particularly to the State of Nebraska: Therefore,

"Be it resolved by the senate of the State of Nebraska, That we do not believe that the forests upon the public lands can be preserved by making such large sections of the country an uninhabited waste, but such abandonment would greatly increase the destruction by fire and from lawlessness.

"Resolved, That the existing laws punishing the cutting or waste of timber upon public lands are ample for forest preservation if enforced by the courts.

"Resolved, That we urge upon the Congress of the United States immediate legislation annulling said Executive order and taking the needed action that the important industries already established may continue and receive the fostering care of the law instead of being destroyed by it.

"Resolved, That the secretary of state be requested to transmit these resolutions by telegraph to our Senators and Representatives in Congress."

Dear Senator, will you kindly see that all Nebraska members of Congress are furnished a copy of this resolution.

W. F. PORTER, Secretary of State.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The VICE-PRESIDENT. The amendment on page 54 which was passed over will be stated.

The SECRETARY. On page 54, after line 5, the Committee on Appropriations report to insert:

To enable the Secretary of the Treasury to continue the scientific investigation of the fur-seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution approved June 8, 1896, \$5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1898. And the Secretary of the Treasury is hereby authorized to pay to Dr. Leonhard Stejneger the sum of \$900, and to F. A. Lucas the sum of \$900, for extra services and expenses while detailed to assist in the scientific investigation of the fur-seal fisheries under said joint resolution, out of the appropriation therein made for such investigation.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations which has just been read.

Mr. PETTIGREW. I should like to have the amendment passed over for a few moments, and take up some of the other amendments.

The VICE-PRESIDENT. The amendment will be passed over for the present. The next amendment of the committee which was passed over will be stated.

The next amendment was, on page 56, after line 3, to insert:

Bounty on sugar: For the purpose of paying the producers of sugar the balance of claims due them under the terms of the act approved March 2, 1895, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," providing for the payment of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive, \$1,085,156.66, or so much thereof as may be necessary, to be disbursed by the Secretary of the Treasury, subject to the conditions, restrictions, and limitations prescribed in the said act approved March 2, 1895.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. VEST. I am compelled to ask for the yeas and nays upon the amendment. I do not care about discussing it, but I want to have the question taken by yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], and my colleague [Mr. MITCHELL of Oregon] has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. We have arranged to transfer our pairs so that the Senator from Wisconsin and I may vote. I vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. THURSTON]. I do not know how he would vote on this question, and I therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. BLANCHARD (after having voted in the affirmative). I desire to transfer the pair I have with the Senator from North Carolina [Mr. PRITCHARD] to my colleague, the senior Senator from Louisiana [Mr. CAFFERY]. I have already voted.

Mr. PALMER (after having voted in the negative). I did not observe whether the Senator from North Dakota [Mr. HANSBROUGH] voted or not.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. PALMER. I withdraw my vote.

Mr. BURROWS (after having voted in the negative). Has the senior Senator from Louisiana [Mr. CAFFERY] voted?

Mr. BLANCHARD. I will state to the Senator from Michigan that I transferred the pair which I had with the Senator from North Carolina [Mr. PRITCHARD] to my colleague [Mr. CAFFERY], who is absent, so that the Senator from Michigan is at liberty to vote.

Mr. BURROWS. Then my vote will stand.

Mr. HOAR (after having voted in the affirmative). Has the Senator from Alabama [Mr. PUGH] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. HOAR. I withdraw my vote. I am paired with the Senator from Alabama [Mr. PUGH].

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Dakota [Mr. ROACH]. I am informed that if present he would vote "yea." I will therefore permit my vote to stand.

The result was announced—yeas 37, nays 12; as follows:

YEAS—37.

Allen,	Cockrell,	Hawley,	Shoup,
Allison,	Cullom,	Jones, Ark.	Squire,
Blanchard,	Daniel,	McBride,	Stewart,
Brice,	Elkins,	McMillan,	Teller,
Brown,	Faulkner,	Mantle,	Vilas,
Call,	Frye,	Martin,	Warren,
Cannon,	Gallinger,	Murphy,	White,
Carter,	Gibson,	Nelson,	
Chandler,	Gray,	Perkins,	
Clark,	Hale,	Quay,	

NAYS—12.

Baker,	Burrows,	Hill,	Pettigrew,
Bate,	Chilton,	Mills,	Sherman,
Berry,	Gorman,	Peffer,	Vest,

NOT VOTING—41.

Aldrich,	Butler,	Davis,	George,
Bacon,	Caffery,	Dubois,	Gordon,
Blackburn,	Cameron,	Gear,	Hansbrough,

Harris,
Hoar,
Irby,
Jones, Nev.
Kenney,
Kyle,
Lindsay,
Lodge,

Mitchell, Oreg.
Mitchell, Wis.
Morgan,
Morrill,
Palmer,
Pasco,
Platt,
Pritchard,

Proctor,
Pugh,
Roach,
Sewell,
Smith,
Thurston,
Tillman,
Turpie,

Voorhees,
Walshall,
Wetmore,
Wilson,
Wolcott.

So the amendment was agreed to.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The next amendment was, on page 81, line 9, after the word "night," to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks;" so as to read:

For lighting 32 arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks, three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, \$2,920.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 81, line 12, after the word "dollars," to insert the following proviso:

Provided, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. McMILLAN. I desire to ask the Senator from Iowa if he intends to press this amendment now on the bill? The same amendment is on the District of Columbia appropriation bill, and it does not seem to have any place here.

Mr. ALLISON. I will ask the Senate for the present to pass over this amendment, it having been read, and to take up the amendments on page 88, relating to rivers and harbors.

The VICE-PRESIDENT. The amendment will be passed over. The Secretary will read the first amendment, at the point indicated.

The next amendment was, on page 88, line 10, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

For improving Hudson River, New York: Continuing improvement, \$375,000.

The amendment was agreed to.

Mr. VEST. I should like to make an inquiry of the chairman of the committee. I should like to ask him what was done with the amendment on page 7 in regard to purchasing the Corcoran Art Gallery building?

Mr. ALLISON. That was agreed to last evening.

Mr. VEST. I ask for a reconsideration of the vote by which the amendment was agreed to. I was compelled to go home before the Senate adjourned.

Mr. ALLISON. That is all right. The vote may be reconsidered by unanimous consent.

The VICE-PRESIDENT. In the absence of objection, the vote is reconsidered.

Mr. ALLISON. I hope that we will now go on with these amendments.

Mr. VEST. Of course I do not want to disarrange the order.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The next amendment was, on page 88, line 17, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, \$300,000.

Mr. WHITE. There are several amendments of a nature precisely like the pending amendment, showing that the committee has reduced the appropriations made by the House. I would inquire of the committee why that reduction was made. The amount placed in the bill by the House, I understand, was the amount estimated by the Department. I inquire of the chairman of the committee what is the fact with reference to that matter. If the Senator from Iowa was not listening, I will repeat. The item under consideration is the Humboldt improvement. I notice that there are several of that type. Of course, we wish to be treated simply as others are being treated, but I should like to know why the amount was reduced and whether the House amount was not the sum estimated by the Department.

Mr. ALLISON. In response to the inquiry of the Senator from California, I will be glad to make a few observations respecting all these items that were reserved last night, because they all stand practically upon the same basis.

It may be truthfully said that the Department has made no estimate as respects any of the improvements that are in this bill and reserved where we have reduced 25 per cent the appropriation proposed by the House. There is a statement in the Book of Estimates, in the latter part of that book, from the Chief of Engineers, saying that he can usefully expend during the next fiscal year the

several amounts appended to each item of these public works, but there is no departmental estimate. These works are not included in the total of the estimates of appropriation; they are not counted as estimates in the Book of Estimates; but they were authorized, I will say to the Senator from California, in the river and harbor act of last year.

Mr. WHITE. The Senator is mistaken as to the Humboldt item, which was earlier, the work has been in progress under an old contract.

Mr. ALLISON. I was about to state that these items were included in the river and harbor act of last year, with the exception of perhaps three or four, of which the Humboldt appropriation is one. In the testimony taken by the House Committee on Appropriations the engineer officers who were examined by that committee stated that as an engineering question they could expend usefully and properly the amounts estimated; but I called the attention of the Senator from California and other Senators to the peculiarity of these reserved amendments. In nearly every case the estimate is exactly \$400,000. The improvement at Humboldt, and I think nine-tenths of those items that were reserved last night, are appropriations of \$400,000. Therefore it rests in the discretion of Congress to say whether we will appropriate this year \$350,000, \$375,000, or \$300,000, or three-quarters of the amount that was estimated for by the engineers.

Most of these items are mentioned in the river and harbor act as improvements that are to be let by contract, and the whole contract can be made for the completion of the improvement, so that if a contractor bids he bids for the whole improvement or a part of it, as the case may be, and he is paid on his contract as appropriations from time to time are made by Congress.

It was the judgment of the Committee on Appropriations, after going over all these items carefully, that it was the part of wisdom under all the circumstances of the appropriations at this session that these public improvements could go on usefully and properly with the appropriations that we have proposed to make. Many of them are not yet under contract, which is not the case with Humboldt. Some of them have just been contracted for. In other cases there are advertisements now out for bids. So, in the nature of things, these improvements do not stand in the same category with those improvements that are about to be completed.

Now, that is not all there is of it. I will say that the committee afterwards, in reviewing their work, did believe that an exception could fairly be made as respects the harbor of Boston, that being an improvement imperatively necessary in order to carry on the commerce of that great city, by deepening the channel so that vessels drawing 22 or 25 feet of water can enter the harbor. With that exception the committee think that these are wise and proper reductions. But that is a question for every Senator as much as it is a question for the committee. If Senators believe that we have the ability and that it is the part of wisdom to appropriate as the House has appropriated, of course it is a matter of no special importance to the committee more than to any other Senator on this floor.

I have the Senator from Delaware [Mr. GRAY] in my eye. As respects the great improvement of the Delaware River, which was in the river and harbor bill, at a maximum cost of \$4,000,000, that whole work, I am told, has been contracted for recently for \$1,660,000, or about that sum. So the work is to be begun, and is to cost less than one-half of the cost estimated two years ago.

Mr. President, I do not wish to debate this question, but I submit it to the Senate without further observations.

Mr. FRYE. But these improvements should all be treated alike.

Mr. ALLISON. So I agree.

Mr. FRYE. Take, for instance, Portland, Me., and Rockland, Me. In each case the committee has cut down the House appropriation \$100,000. My colleague was a member of the committee having this bill in charge. He undoubtedly consented to that cut down of \$100,000 on the ground that the Treasury is not in a condition to be over and above liberal just now, and his constituents and mine would sustain him in doing that. But they would not sustain him or me unless all of these appropriations bore the same cut of \$100,000.

There is another point, I will state, that the Senator did not seem to touch upon. I judge from the appropriations made here that instead of these being estimates of what ought to be done or what can be done, or what might profitably be done, they are simply following the law of Congress which provided that in certain cases not more than 25 per cent should be appropriated in any one year and in other cases not more than 50 per cent, and they have simply placed in here as an estimate 25 per cent in some cases and 50 per cent in another. It is not the usual estimate. The usual estimate is a careful survey of the work to see what ought to be done and what can be done profitably. That has not been done in these cases. They have taken the law as Congress passed it and then put down the amount which is the maximum amount we in the law allowed should be estimated for.

Mr. ALLISON. That is partially true, and yet the House did

not follow that rule. Take an improvement, and a very important one, in which the Western States are deeply interested. The Senator from Illinois who sits near me and the one more distant from me are deeply interested in the construction of the Hennepin Canal. We provided in the river and harbor act last year that one-quarter of the money should be appropriated annually, or not to exceed that amount, if you please, for the Hennepin Canal, which, if it had been appropriated, would have been an appropriation of \$1,300,000, whereas the House of Representatives, in the exercise of their judgment and discretion, reduced the appropriation to \$1,000,000. To show that we have at least endeavored to be impartial, I have consented as a member of the committee that this appropriation should be reduced one-quarter with the others; that is, to \$750,000.

Mr. CULLOM. And I agreed to the arrangement because it seemed to be necessary in the interest of the Treasury, and because I supposed it would be fair to all concerned.

Mr. ALLISON. As respects special appropriations, the Senator from Maine speaks of Rockland, Me., as one of the items, I suppose, where 50 per cent was to be appropriated.

Mr. FRYE. Yes.

Mr. ALLISON. I have here the statement of the engineer before the committee of the House of Representatives, in which he states that—

The contract at Rockland, Me., has not been made, but the making of the contract has been authorized. Bids have not yet been called for, but will be called for in the near future. These bids involve an expenditure of \$227,000—

In other words, that is all that has been advertised for at Rockland, Me.—

not the entire work provided for—it being the idea that \$227,000 is for the protection of the breakwater. We think we can also get figures for dredging inside by letting this contract.

The CHAIRMAN. The contract requires an appropriation of \$227,000 for this year?

Colonel MACKENZIE. Yes; we have on hand \$25,500, which will be required for superintendence; \$227,000 is the amount to be paid to the contractor.

The CHAIRMAN. That is all you will need for the next fiscal year at Rockland?

Colonel MACKENZIE. Yes, sir.

And so on. There is the statement before the House committee that \$227,000 is all that is needed, and we have in this bill, as we cut it down, provided for \$300,000. So I submit to the Senator from Maine that with this testimony before the Committee on Appropriations it was not a difficult thing for us to convince his colleague that \$300,000 would be ample provision there.

Now, I will take the case of Portland, Me., which we know is an important city in our country, and has an important improvement, and is, I believe, one of the 50 per cent class. I am not sure about it.

Mr. WHITE. May I interrupt the Senator to ask him from what document he is reading?

Mr. ALLISON. I am reading from the hearings before the subcommittee of the House Committee on Appropriations, wherein the engineer officer of the Army having charge of this work was examined as respects each of these items of appropriation.

Mr. VEST. I should like to ask the chairman a question.

Mr. ALLISON. Certainly.

Mr. VEST. How many of the continuing contracts in the river and harbor act are not provided for by the sundry civil bill now before us?

Mr. ALLISON. Including our amendments, they are all provided for, with, I think, one or two exceptions, and in those cases there is some question as to the limit of cost, etc. I have an amendment somewhere upon my desk which I shall be glad to propose, covering one of those items.

Mr. VEST. I want the Senator to know, because every Senator is necessarily better acquainted with matters concerning his own State, that we have a continuing contract for the Missouri River and there is nothing in the bill for it. I think I can name several others.

Mr. ALLISON. For the Missouri River?

Mr. VEST. Yes; we have a continuing contract, and my constituents are writing and telegraphing me to know why it is that appropriations are made in the sundry civil bill for the other continuing contracts, but not for the Missouri River.

Mr. ALLISON. That is an oversight if it is not here. What does this item mean? I call the attention of the Senator to pages 96 and 97:

Improving Missouri River from mouth to Sioux City, Iowa—

The Missouri empties into the Mississippi, and under the Missouri River Commission it extends to Sioux City.

For continuing improvement of Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission—

Mr. VEST. That is a part of the river, it is true.

Mr. ALLISON—

surveys, permanent bench marks, and gauges, \$300,000.

If we have not made sufficient provision under all the details of the river and harbor bills, it is because these amendments are put

every other year—every year practically—upon the sundry civil bill, under continuing contracts, which oblige us to examine in detail and anew and freshly every item of the river and harbor appropriations, so that when we make suggestions of amendment to the Senate we may know that the amendments we propose are reasonable and proper so far as our recommendations to the Senate are concerned.

So, Mr. President, we have dealt with this matter in the brief time allotted to us as well as we could deal with it. If we lack information, it is because we have not had the extended inquiry from year to year or once in two years that the Committee on Commerce have been able to give to these great works of public improvement. We have endeavored to deal as wisely and well as we could with all these great works of public improvement, trying if possible to reduce somewhat the total aggregate for them during the coming fiscal year until we can have at least a probability that our income and our expenditure will more nearly equal each other.

Mr. BLANCHARD. I desire to state to the Senator from Iowa, the chairman of the Committee on Appropriations, that the amount he has just read relating to the Missouri River item in the bill is exactly the amount which was authorized to be appropriated for that river by the river and harbor act of June 30, 1896. Here it is before me; it says:

Provided, That on and after the passage of this act additional contracts—

For the Missouri River—

may be entered into by the Secretary of War for such material and work as may be necessary to carry on continuously the plans of the Missouri River Commission for the improvement of said river, or said material may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$300,000 per annum for three years, commencing July 1, 1897.

That is the amount which you left in the bill for the Missouri River, and it is in full compliance with the law upon that subject.

Mr. ALLISON. I endeavored to say so a moment ago.

Mr. FRYE. I hope the Senator from Iowa did not understand me as complaining that there was a cut down in Maine. I do not complain that there was a cut down. I was simply saying that the items must stand or fall, all of them together; that there are no exceptional cases. There were none of the usual estimates, and therefore there are no exceptional cases; and if the trial is to be made upon one, the result of that trial should determine the whole.

Mr. WHITE. Mr. President, I directed attention to the item regarding Humboldt Harbor for the purpose of getting an explanation in reference to the entire matter. I appreciate the labors of the Committee on Appropriations, and it is a source of wonder to me that the gentlemen composing that committee are able to discharge their duties so effectively. I merely desire that the rule applicable to other places shall be applied to my own State. I wish no discrimination in favor of my State, I only wish that she shall be treated as other States have been treated, and from the statement made here I have no doubt that that is the case.

I have no detailed information as to the exact sum of money necessary for Humboldt. I know that the work has been progressing some time and very successfully, and that it is being completed for a far less sum of money than that originally estimated. I hope this amount will not be found too small to enable the improvement to go on. But I will interpose no objection and will ask for no vote upon the proposition to which I have already alluded.

Mr. CHILTON. Mr. President, I wish to state that one item in the bill which is cut down will be found on page 89.

Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, \$400,000.

That appropriation of \$400,000 in the bill as passed by the House has been reduced to \$300,000. It seems to me that the reduction ought not to have been made. That is a very important work. Two rivers enter Sabine Lake, and a very considerable commerce is being rapidly built up in the neighborhood of the pass.

I am aware that to make a fight on an item for one single harbor, in the face of the acquiescence of other Senators similarly situated, will be unavailing, but I do think it was a mistaken policy on the part of the Appropriations Committee to cut down the appropriation for the improvement of this particular harbor.

In this connection, I may say that I would probably derive more consolation from the state of the case if the committee had treated Texas as they seem to have treated California, by cutting down at one place and putting in a new appropriation for another. I see that while they have cut down the Humboldt item—

Mr. WHITE. If the Senator from Texas will permit me, it is no new appropriation whatever. There is not a cent appropriated by the bill outside of the amount reduced from the House estimates. The Oakland item is no increase at all, but simply the rectification of an error.

Mr. CHILTON. It is here in italics. I notice that it is put in as an amendment to the bill as it came from the House.

Mr. WHITE. If the Senator will allow me—

Mr. CHILTON. I am not complaining of the change made in

regard to California. That is not the point that I am driving at; but I am merely pointing out that in the case of California improvements there seems to have been an amendment which makes up at Oakland what apparently is cut off at Humboldt.

As I stated, I think the appropriation for the Sabine Pass improvement ought not to have been reduced, but it seems to be treated as other items of like character, and while I think it ought to have been made an exception, yet at this hour and under all the circumstances I do not feel warranted in undertaking to change the action of the Committee on Appropriations.

Mr. WHITE. That there may be no misapprehension in relation to this Oakland item, I will state to the Senator from Texas that when the river and harbor bill was made up, the exact sum referred to in the amendment was incorporated in it for the improvement of Oakland Harbor. The Department ascertained from subsequent estimates that the limit should have been higher, but instead of seeking to make the limit higher we merely made it mandatory on the Department to go on under the present estimate, believing as we do that the work can be carried on for it. We are simply getting the money which we would be entitled to anyway under the law, as we consider it. We are interpolating the view of Congress, views of the statute, rather than that taken by the Department, and we have ignored the departmental estimate requiring the expenditure of more money.

Mr. BLANCHARD. Mr. President, I have a like interest with the Senator from Texas who has just now addressed the Senate in the appropriation made by this bill for the improvement at Sabine Pass. Sabine River forms the boundary between the States of Texas and Louisiana. Like the Senator from Texas, I regret the necessity which impelled the committee to reduce this appropriation from \$400,000, as fixed by the House, to \$300,000. But since this seems to be a general policy in respect to these appropriations, adopted by the Committee on Appropriations, and as no invidious discrimination is made against Sabine Pass, I am not disposed to contest the committee amendment.

I will, however, Mr. President, take this occasion to say that no more important harbor work is going on in the United States at this time than that at Sabine Pass. No work so far done by the Government in the way of harbor improvement has been productive of better results than that at Sabine Pass.

A few days ago I had occasion to inquire of the War Department relative to the depth of water over that bar, and was informed by the Chief of Engineers that they now have 24 feet where formerly they had only from 10 to 12 feet. It is a work which promises to meet the fullest expectations of the engineers of the Government at the time they recommended the project to Congress, and the results already obtained fully justify the large appropriations made by Congress for the improvement of that harbor.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendments passed over will be stated.

The next amendment was, on page 88, line 22, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving channel in Gowanus Bay, New York: For improving Bay Ridge Channel, the triangular area between Bay Ridge and Red Hook channels, and Red Hook and Buttermilk channels in the harbor of New York, N. Y.: Continuing improvement, \$300,000.

The amendment was agreed to.

The next amendment was, on page 88, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Savannah, Ga.: For continuing improvement, \$300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland Sound, Georgia and Florida: For continuing improvement, \$300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 6, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Portland, Me.: For continuing improvement, \$300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Rockland, Me.: For continuing improvement, \$300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 10, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Boston, Mass.: For continuing improvement, \$300,000.

Mr. ALLISON. On this item the Committee on Appropriations reconsidered their judgment and recommend that the amendment be disagreed to.

Mr. CULLOM. That was reconsidered.

Mr. HOAR. It is to be disagreed to.

The amendment was rejected.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The next amendment was, on page 89, line 13, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "four hundred and twelve thousand five hundred;" so as to make the clause read:

Improving harbor at Buffalo, N. Y.: For continuing improvement, \$412,500.

The amendment was agreed to.

The next amendment was, on page 89, line 20, before the word "dollars," to strike out "four hundred and fifty thousand six hundred and sixty-eight" and insert "three hundred and thirty-eight thousand;" so as to make the clause read:

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, \$338,000.

The amendment was agreed to.

The next amendment was, on page 89, line 23, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, \$300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 1, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Sabine Pass, Texas: For continuing improvement of harbor at Sabine Pass, \$300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 4, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving harbor at Cleveland, Ohio: For continuing improvement, \$300,000.

The amendment was agreed to.

The next amendment was, on page 90, line 11, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" so as to make the clause read:

Improving harbor at Duluth, Minn., and Superior, Wis.: For continuing improvement, \$375,000.

Mr. VILAS. I should like to ask the chairman of the committee if there is any danger that the Engineering Department could not let the contract if the amount appropriated during the ensuing year should be less than the amount that would be necessary for the contract to be let at? Colonel Mackenzie states that, if they get their lowest expected bid on this contract (and the bid was to be opened in February, I believe), it would require \$500,000. I do not wish to interpose an objection to any reduction of expense or to any reduction of the appropriations nor to make any complaint when all are treated alike. But it would be a misfortune if this appropriation were made so small as to deny the making of the contract.

Mr. ALLISON. I do not think there is the slightest difficulty in that regard. The contracts will, of course, be made for the whole improvement in these cases, and I understand that will be the case here.

Mr. FRYE. The contractor agrees to receive his pay as appropriations may be made from time to time by Congress.

Mr. ALLISON. I do not think there is the slightest difficulty about that. Indeed, I had a consultation with the engineer about the reductions proposed by the Senate committee, and I do not think there will be any great interference to any of these works on account of the reductions.

Mr. VILAS. Colonel Mackenzie states that—

The contract requires the contractor to dredge not less than 5,000,000 yards a calendar year. The estimates for that dredging were 15 cents, and Major Sears hopes to receive a bid as low as 10 cents.

Mr. NELSON. I can give some light upon that subject, as I have just seen the bids. One of the bidders was here the other day; and while the estimate was for 15 cents a yard, he says the bids of three bidders were identically the same for three classes of work, namely, at 7½, 8, and 10 cents a yard, which is lower than any bids heretofore made.

Mr. BLANCHARD. On the question just raised by the Senator from Wisconsin [Mr. VILAS], I wish to say I hold in my hand the river and harbor appropriation act of 1896, and find the language in regard to this project to be this:

And contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project for deepening said harbor and the entrances thereto.

This relates to the harbors of Duluth and Superior City; and under that authorization the Secretary of War can make, and will make, if he has not already done so, contracts to complete the project.

When these contracts are entered into, payments under them can only be made as the money is appropriated by law. In other words, under the contracts made pursuant to this authorization of law, instead of the contractor receiving \$500,000, as was provided for in the House bill, he will only be paid \$375,000 in the next fiscal year if the amendment recommended by the Senate committee to the House bill is adopted. But the amendment does not interfere in any way with the making of contracts for the completion of the project, leaving to future Congresses to provide the funds to meet in full the contract obligations of the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 8, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, \$300,000.

The amendment was agreed to.

Mr. SQUIRE. I have an amendment to offer at that point.

Mr. FAULKNER. Unless the Senator's amendment is an amendment to an amendment of the committee I hope he will reserve it until the committee amendments are disposed of, according to the unanimous-consent agreement.

Mr. SQUIRE. Very well.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 16, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Locks and dams in Allegheny River, Pennsylvania: For continuing improvement by construction of locks and dams at Herr Island, above the head of Six-Mile Island, and at Springdale, \$300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 91, line 22, before the word "hundred," to strike out "three" and insert "four;" so as to read:

Improving upper Monongahela River, West Virginia: For continuing improvement by the construction of six locks and dams, \$300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 93, line 21, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Yazoo River, Mississippi: For continuing improvement of mouth of Yazoo River and harbor of Vicksburg, \$300,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been passed over was, on page 93, line 23, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Bayou Plaquemine, Louisiana: For continuing improvement, \$300,000.

Mr. CAFFERY. I was not here when the reasons were given by the chairman of the committee in charge of the bill for the reductions in appropriations which the committee have reported. I ask the Senator from Iowa, in a few words, to explain to me the reason for this 25 per cent reduction.

Mr. ALLISON. The same reason applies to this improvement that is applied to all the other improvements. It is left to the discretion of Congress to make such appropriation as it sees fit to make under existing conditions. There has been no estimate for any of these improvements in the regular estimates of the Department. They are made simply upon the statements of the engineers that certain amounts of money may be usefully and properly expended on these works.

Mr. CAFFERY. I do not know how it may be as to others, but this improvement is the most important and necessary in my State, excepting only the improvement of the jetties at the mouth of the Mississippi River. This improvement is different from most improvements. In the portion of the State where I live about 50 per cent of the freight charges that are now imposed upon the people living there are, by reason of the monopoly of traffic, in the hands of the railroads; and if any exceptions are to be made to the rule adopted by the committee, this is one that ought to be included in the exception.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 94, line 2, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving Cumberland River above Nashville, Tenn.: For continuing improvement by construction of locks Nos. 5, 6, and 7, \$300,000.

Mr. BATE. Mr. President, I feel that I am compelled, in the name of my constituents, to object to the adoption of that amendment, and because I believe it right that I should do so. I know,

however, that those I in part represent are not a very selfish, but a generous people, and they are not disposed to ask anything that others similarly situated do not get, but I think this work on the Cumberland River above Nashville is a little differently situated and surrounded by different conditions from most, if not all, of the others in the bill. I do not understand from the statement made by the chairman of the Committee on Appropriations that all of these river and harbor appropriations were raised 25 per cent of the amounts appropriated by the House, but that those of them which will complete the work are permitted to remain as the House fixed them, and all of those that are known as continuing contracts are cut 25 per cent.

The situation, however, in relation to the improvement of the Cumberland River above Nashville is a little peculiar. The appropriation by the House for this work was \$400,000, for continuing this work and as part payment of it. This amount can be profitably used as indicated.

Locks Nos. 1, 2, 3, and 4 on Cumberland River have been constructed. The river and harbor bill of last session contained authority for the construction by contract of Locks 5, 6, and 7 (Lock 5 had already been commenced). The amount appropriated was \$600,000. The advertisement for bids for completing Lock 5 and for construction of Locks 6 and 7 have been made or are now ready to be made. The House bill contained \$400,000 as part payment for this work. Importance attaches to keeping this \$400,000 in the bill, for the reason that the Department holds that it is inexpedient to put the dams in the locks until the entire number, including Lock 7, is completed. Therefore, none of the locks already built can be utilized until the work on Locks 5, 6, and 7 is done. When these are completed, it will bring the work to the point where the railroad from the coal fields strikes Cumberland River, at or near Carthage, Tenn. The work is therefore important as opening a new and great coal region to the Cumberland, Ohio, and Mississippi valleys.

The Secretary of War, on being advised of the condition some few weeks since, and that damage was likely to occur at a point where the work has already been completed for the want of some other work, recommended that these other contracts should be entered into and that the other work be consummated. There were substantial reasons for this. One was that the seventh lock, as I have said, strikes a point where the finest coal in that region of country is transferred by rail to the Cumberland River, and thence finds its way out to the great valleys of the South and West. This is an inducement for the early completion of this work. The work already done is utterly useless, and will be until Locks 5, 6, and 7 are completed. In consideration of these facts, the money having been appropriated, the Secretary ordered the work to proceed. Lock 5 is now under contract—at least the advertisement has been made for bids to do the work upon it, and bids have doubtless been filed for the work. These facts should take this improvement out of the line and out of the rut in which the committee seems to be running, and let it be regarded, as I think it is, an exception to their rule in regard to these appropriations, and I appeal to the Senator who, as chairman, has charge of this bill that it be made an exception to the extent I ask.

The Secretary of War has said that \$400,000 would be necessary for that work, which is under advertisement, and yet the committee reports to cut down the amount to \$300,000, when it will take \$400,000 to complete it. I think the appropriation should be permitted to stand as it came to us in the bill from the House of Representatives.

I do not want anything that is wrong. I heard what the Senator from Iowa, the chairman of the committee, said in regard to these reductions, and I am willing to stand with others and suffer as they do; but if there is to be an exception made, this is a case in which it should be done. Hence I ask the chairman of the committee to allow us to have the \$400,000 appropriated by the House, instead of the \$300,000 proposed by his committee. That is all I wish. I do not desire to make any fuss about it, but I felt it my duty to state these facts. This improvement is out of the ordinary channel, and, as I have said, I think, therefore, it ought to be made an exception, and the amendment of the committee be disagreed to.

Mr. ALLISON. Only a word. The contract has not yet been let for this work and no one knows exactly what it will cost. There are a number of locks and dams to be built. Of course if we appropriate \$300,000 it will not go so far as \$400,000. This Lock No. 5 is already in the course of construction, is it not?

Mr. BATE. I do not know; I can not say about that, but it has certainly been advertised, and some of the bids are in.

Mr. ALLISON. My information is that it has not yet been advertised, but I may be mistaken about that.

Mr. BATE. Lock 5, to be completed, was advertised some weeks ago. I can not say they are at work on the lock, however.

Mr. ALLISON. Of course that is immaterial.

Mr. BATE. Certainly.

Mr. ALLISON. Lock No. 5 is under construction and will probably be finished during the coming summer. Then there are

several other locks to be built. Each one of those locks and dams costs about \$250,000. I think it may be safely said that the appropriation for which we provide here will complete the lock already under construction and go far toward the work upon two others. It will be very easy to make a contract for one or two or three or four of those locks. So I do not think the Senator from Tennessee makes out a case for an exception.

Mr. BATE. I regret that exceedingly; but I do not wish the Senator to understand me as saying that the work is now being performed, but I do say that advertisements have been made for Lock No. 5. As to the others, I do not know. The Secretary of War recognized the necessity, as I have stated, for the work; he has advertised for bids; specifications have been made and submitted to the Department, and under them the advertisements have been made. It does seem to me, therefore, that that takes this out of the ordinary situation, and that it should be made an exception, as I have appealed to the Senator to do.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which had been reserved was, in line 6, on page 94, before the word "hundred," to strike out "four" and insert "three;" so as to read:

Improving Falls of Ohio River at Louisville, Ky.: For continuing improvement, including Indiana Chute Falls, \$300,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 4, before the word "dollars," to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

Illinois and Mississippi Canal: For continuing construction, \$750,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 7, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, \$300,000.

The next amendment of the Committee on Appropriations which had been passed over was, on page 95, line 18, after the word "cents," to strike out:

And of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1898, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding \$100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

So as to make the clause read:

Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, \$673,333.33.

Mr. BERRY. Mr. President, this amendment is connected with another amendment following on page 96. The provision in the bill as it came from the House was that \$100,000 should be taken from the Upper Mississippi River—that is, between Cairo and St. Louis—and applied to the river 8 miles above Cairo, where a break has taken place near Cache River. The committee have stricken out that provision, which provides that it shall be taken from the upper river and provided in the bill that it shall be taken from the appropriations for the river from Cairo down to the Passes at the mouth of the river.

In regard to the amendment striking out the provision that the money shall be taken from the upper river, if the committee see proper to strike that part of the bill out I have no objection, and leave it to be paid out of the general fund in the Treasury. But I do object to taking money from the lower river and using it for an improvement for the upper river. Different appropriations are made, one for the upper river from Cairo to St. Louis, or the mouth of the Missouri River, and the other from Cairo to the mouth of the Mississippi. This proposition is for an improvement in the upper river 8 miles above Cairo. The other House said the money should be taken from the appropriations above Cairo. The Senate committee have stricken out that it shall be taken from the upper river, and that the \$100,000 shall be taken from the lower river.

When this proposition came before the Senate Committee on Commerce, it was referred to a subcommittee of three. That committee first agreed to report in favor of the proposed amendment, and so reported to the Senate. Afterwards action was had on the subject in the Commerce Committee, and they reversed the action by which it was provided that the money should be taken from the lower river, and recommended that \$100,000 be appropriated for that purpose, without taking it from the appropriations either above or below, the same as has been done in regard to Pass a Loutre, near the mouth of the Mississippi River. I do not think that it is fair that this money for the improvement in the upper river should be taken from the appropriation for the lower river.

In regard to striking out the provision that the money shall be taken from the appropriation for the upper river, to that I do not object; but I do object to the amendment which takes it from the

lower river, because that is not fair. It is a different appropriation, different in the river and harbor act, and has always been so considered; and it is under the control of the Mississippi River Commission.

It is true that Colonel Mackenzie, of the War Department, has made a recommendation of that kind; but I want to say to the Senator from Iowa that this river is not under the control of Colonel Mackenzie. It is, as I have stated, under the control of the Mississippi River Commission, and Colonel Mackenzie can not make estimates with regard to it; he can not know whether the appropriations can be taken from that work without injury to the lower river.

I repeat, that I have no objection to striking out the provision taking it from the upper river, but I do insist, if that is done, that it shall be made an appropriation directly from the Treasury, the same as was done by the bill for the passes at Pass a Loutre. I do object to it being taken from the appropriation which belongs to the river below.

Mr. FRYE. As the Senator from Arkansas says, we have investigated this in the Committee on Commerce, and I wish to say that I am satisfied that it is not necessary now to take the appropriation from either river, and that this amendment which the committee has inserted may just as well be disagreed to. The engineer officers who were before us told us that they did not think there was any immediate necessity. In my judgment, this amendment can wait for the next river and harbor bill just as well as to have this very intense quarrel which will be aroused over taking it from either the lower river or the upper river.

Mr. CULLOM. Mr. President, the Senator from Maine seems to be very certain about the condition at the south end of my State, a great deal more so than I am. The truth about it is that whatever the engineers say in regard to the matter, there is imminent danger of great disaster to that locality, including the Government property; and while I am not so strenuous as to insist upon it, if it is bitterly opposed by either the north or the south end that it shall come out of either appropriation, I do insist that the emergency existing there now demands an immediate appropriation.

I am sorry to say I have not with me here now hundreds of dispatches from persons living in the neighborhood, showing the condition of things there at this moment or within the last few days, insisting that an appropriation should be made, because there is imminent danger of great destruction of property, and most likely the destruction of the city itself.

Mr. CAFFERY. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. CAFFERY. Has not the engineer in charge reported that there is no immediate danger?

Mr. CULLOM. I have heard it stated that he did not think there was any such danger, and I understand that Major Handbury, who is not upon the ground, says he did not think there is any immediate danger. There is no evidence here that he has been there in a month, and within twenty-four hours the earth has caved in there and gone into the river for a space of almost 50 yards in width. The shore is caving in.

A disaster may possibly not occur, but there is imminent danger of the earth continuing to cave in, which, it seems to me, makes an emergency that an appropriation should be made, so that the Government can protect the property not only of the people of the city, but the national cemetery there, which is very near Cache River.

I shall have a map here in a moment showing exactly the situation. The statement is that the Mississippi River, which makes a short bend there, is going across into what is called Cache River, 6 or 7 miles above Cairo, and not very far from the national cemetery. The moment that water gets into Cache River the result will be that the cemetery will be washed away and property in the city of Cairo will be endangered.

It seems to me that wherever this appropriation may come from, we can not afford to sit here and hear the appeals of the people from that locality coming to us that there is imminent danger, and refuse to do what they are asking.

If this money is not necessary to be spent, we do not wish to spend it, but we do want an appropriation made which will enable the Government to prevent that danger in case it becomes more and more imminent.

I have now the map and can show to the Senate from it exactly how the situation is. Here is Cairo down here [indicating], here comes the Mississippi River down here and going up this way [indicating], the red lines indicating the rapid progress that is being made there in the cutting in, near Beach Ridge, as it is called, and only a little distance from where the water will have to go before it will reach Cache River. Should it do so, the result will be that it will tear up two or three or four railroads, change the whole current of the river there, and work great disaster to those people and to the Government property itself.

So far as I am concerned, if the Senate prefer that an appropriation of \$100,000 be made outright, subject to be used by the Secretary of War when the danger is imminent, I am perfectly content to leave the appropriation for the north and south river as well; but it occurs to me that after all that has been done, and that is being done for the Lower Mississippi River—millions and millions of dollars of appropriations being made almost every year to protect that river—nobody knows what has been done. So far as I am concerned, I do not know; and I have never supposed anybody did—

Mr. BERRY. Will the Senator permit me to say one word?

Mr. CULLOM. Yes.

Mr. BERRY. When the Senator gets into the question of what has been done for this locality or that locality, I think we can show that a great deal of money has been appropriated for divers and various projects, including the Upper Mississippi River and the Hennepin Canal. But I do not care to go into that, because any Senator upon this floor can make a showing that in the expenditure of money his State has not had an even divide.

The chairman of the committee thinks this appropriation is not at all necessary. I do not say that. If it is believed to be necessary, if there is danger of destruction to Cairo, I would not object to \$100,000 being appropriated for it either from the upper river or from the Treasury generally, but I do object that it is unfair to take it from the lower river, which is a separate and distinct appropriation from that of the upper river. I am not fighting the Senator's appropriation.

Mr. CULLOM. I understand.

Mr. BERRY. And, therefore, I think, while a great deal has been done for the Lower Mississippi, there has been a great deal done for other waters throughout all the States of this Union; and I do not think comparisons can be made which will show that we have had advantages over others.

Mr. CULLOM. I want to say that I voted with great pleasure for those appropriations. I believe in the improvement of rivers and harbors. They are regulators and cheapeners of the commerce of this country. I propose to vote for their improvement, but I really think that while such rivers as the Lower Mississippi have had two and a half million dollars, and a little more in the bill now—I have forgotten how much it got last year, but probably about the same amount or more—

Mr. BLANCHARD. I will state to the Senator it was \$625,000.

Mr. CULLOM. I had forgotten what it was; but under the circumstances it seems to me, and it seemed to the Committee on Appropriations, that the little sum of \$100,000 to protect the river there and put and keep it in its channel was not a bad thing to do, and that it could be spared from the appropriation for this year. We shall make a river and harbor bill next year, and we supposed it was not unfair to take the money from the lower river. That is all I meant to say. I am a friend to the Mississippi River, whether it be at the north or the south end, and I expect to continue to be.

Mr. BERRY. So am I.

Mr. CULLOM. The Senator from Arkansas knows, because he has corresponded with gentlemen who have an interest in that region, that there is very much alarm there for fear they are going to be washed away.

Mr. BERRY. That is all true.

Mr. CULLOM. What I contend is that when that sort of an emergency exists there, it calls upon Congress to make an appropriation in some way, either taking it from the Mississippi River appropriation which we are making here, or making a new appropriation, so that the emergency, if it shall arise, may be met, and so that the people there may be protected as well as the Government property.

Mr. PALMER. Mr. President, it is a matter of profound interest to the people of that particular locality that the Mississippi River shall be prevented from encroaching in the direction of the valley of the Cache.

I think there is an eminent propriety in taking this appropriation from the lower river, because, if the Mississippi River should find its channel north of Cairo, it would disturb not only that particular locality, but it would greatly affect the condition of the river below Cairo.

I had a conversation with some gentlemen of very great experience, river men, who have known the Cache River almost ever since it was a river, and they tell me that there is imminent danger—from the peculiar materials of which Cairo Point is composed, and from the known fact that Cache River was once the channel of the Mississippi River—that the river will force its way into the Ohio above Cairo, and that if that should happen it would have the most serious consequence to the lower river, and would disturb, alter—indeed, affect—its navigability. Nobody can tell what the consequences would be.

Mr. CAFFERY. Will the Senator from Illinois allow me?

Mr. PALMER. With pleasure.

Mr. CAFFERY. I desire to ask the Senator whether the condition of the land where this crevasse is imminent, where the water

is liable to break over into Cache River, is about the same that it has been for some time heretofore.

Mr. CULLOM. If my colleague will permit me to answer, I will say that within a week it has caved in quite a distance.

Mr. CAFFERY. Then the danger of that break is no sudden thing.

Mr. CULLOM. It has become more imminent. If my colleague and the Senator from Louisiana will allow me—

Mr. CAFFERY. I desire to ask one other question.

Mr. FRYE. This can be settled in two minutes on this suggestion.

Mr. CULLOM. I have no desire to discuss the matter or to protract the debate, or to interfere with the interest of other localities, if we can get along without it, and I propose this, if it can be accepted without further debate, to come in place of what is in the bill:

For the purpose of preventing the Mississippi River from breaking through into the Cache River at or near a point known as Beach Ridge, a few miles north of Cairo, whereby the national cemetery at Mound City, at the mouth of the Cache River, and the marine hospital at Cairo, would be in imminent danger of destruction, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. BLANCHARD. Will the Senator from Illinois permit me to ask him whether, if that is to be adopted, this amendment which we are now considering would be adopted—

Mr. CULLOM. That will go out.

Mr. BLANCHARD. And the next one following would be disagreed to?

Mr. CULLOM. No; we would disagree to both of these in the bill.

Mr. BLANCHARD. Disagree to both?

Mr. CULLOM. This will take the place of the one in the bill and the one stricken out.

Mr. BLANCHARD. I will ask the Senator, then, if he proposes that as a substitute for the lines stricken out here?

Mr. CULLOM. Yes; and the other lines which are in, which ever the Senate prefers.

Mr. BLANCHARD. In other words, that would be a new proposition to be incorporated in the bill at this point.

Mr. CULLOM. It is immaterial to me at what point it is put in, so that it is put in the bill.

Mr. GORMAN. Mr. President—

Mr. BLANCHARD. The Senator from Maryland will pardon me for one moment. It is a substitute, if the Senator will allow me, for the lines stricken out on page 95—

Mr. CULLOM. Certainly.

Mr. BLANCHARD. And for the lines retained, beginning in line 16, on page 96, down to the word "Cairo," in line 24.

Mr. CULLOM. Certainly. It is a substitute for what is stricken out, and also for what it is proposed to put in.

Mr. BLANCHARD. That would leave it in this shape, that \$100,000 would not be taken from the appropriation for the Mississippi River above the Ohio nor from the appropriation for the Mississippi River below the Ohio. That would settle the controversy.

Mr. CULLOM. It would be in another place, and it is suggested in order to get along with this bill, and to secure an appropriation that can be used in case it shall be necessary, in the judgment of the Secretary of War.

Mr. BLANCHARD. I will state that if this amendment be adopted it will obviate all controversy.

Mr. PALMER. I must assert my rights. I am entitled to the floor.

The VICE-PRESIDENT. The Chair will state that the Senator from Illinois [Mr. PALMER] has been recognized and is entitled to the floor.

Mr. CULLOM. I interrupted my colleague because I wanted to call his attention to the amendment I proposed more than for any other purpose; and I beg his pardon.

Mr. PALMER. The original clause in the bill as it came from the House would be entirely sufficient to accomplish the object that I have in view:

Improving Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: For continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, \$673,333.33; and of the sum heretofore appropriated and authorized to be expended and contracted for during the fiscal year ending July 1, 1893, at the discretion of the Secretary of War, the said Secretary of War is directed to expend so much as may be necessary, not exceeding \$100,000, to prevent the Mississippi River from breaking through into Cache River at or near a point known as Beach Ridge, a few miles north of Cairo.

Now, I have no particular preference as to what sum it shall be taken from, but the necessity for it is perfectly apparent.

Mr. CULLOM. I will offer the amendment to take the place of the amendment that was stricken out, as well as of the one put in, which is upon the next page.

I will state that the amendment stricken out by the committee was concurred in last night, I think, so that I will offer this as a substitute for the provision on page 96, beginning after the word "dollars" in line 16 and continuing down to line 24 on that page.

The VICE-PRESIDENT. The Chair will state to the Senator

from Illinois that the amendment referred to was passed over, and not concurred in, as the Senator seems to suppose.

Mr. CULLOM. My recollection was that the amendment to strike out was agreed to.

Mr. BLANCHARD. Will the Senator from Illinois permit me for a moment? If he will offer his substitute for the lines on page 96, to which he has just now referred, and have it adopted in lieu of that—

Mr. CULLOM. Certainly; and the other can be stricken out.

Mr. BLANCHARD. And then adopt the committee's amendment on page 95, it would cover the whole transaction.

Mr. CULLOM. It is very simple.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary read as follows:

For the purpose of preventing the Mississippi River from breaking through into the Cache River at or near a point known as Beach Ridge, a few miles north of Cairo, whereby the national cemetery at Mound City, at the mouth of the Cache River, and the marine hospital at Cairo would be in imminent danger of destruction, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. BERRY. That is in lieu of the amendment?

Mr. CULLOM. It is in lieu of the amendment in the bill?

Mr. GORMAN. Mr. President, I dislike very much to interfere with the distinguished Senator from Illinois. I believe it is possible that this is a case of emergency.

Mr. CULLOM. I have no doubt of it.

Mr. GORMAN. I say that from the statements made by the distinguished Senator from Illinois [Mr. CULLOM] on the floor and in the committee. But I wish to call attention to the fact that the appropriations contained in the pending bill, so far as I know and believe, are only those made in conformity with the law already existing, and that in no case have we attempted to make of this great appropriation bill a river and harbor bill.

Now, this amendment which is offered, appropriating the small sum of \$100,000, makes the pending bill practically a river and harbor bill.

Mr. BERRY. Will the Senator permit me to say one word there?

Mr. GORMAN. Certainly.

Mr. BERRY. If this were an original amendment proposed by the committee, the Senator from Maryland would be right, but it is in lieu of a provision in the bill as it came from the House of Representatives, providing that this work should be done, the appropriation to be taken from the appropriation already made for the upper river.

Now, it occurs to me that if the money can not be spared from the appropriation for the upper river, and that part of the amendment is stricken out, and we make an appropriation for the work, it is not a river and harbor bill, and is an exception to the rule which the Senator has laid down.

Mr. GORMAN. The Senator from Arkansas argues the case like the intelligent lawyer that he is, but, after all, the bottom fact is that this is a new provision which has never been considered by either House of Congress, and is precisely on a footing with every provision of a river and harbor bill making an appropriation for a new work.

As the provision came from the other House, it was to divert and to apply \$100,000 from the amount already appropriated for the improvement of this river. It provided for taking it from the river above the mouth, not increasing the appropriation, not increasing the project on hand, but simply directing that it should be applied to a particular locality.

Mr. President, it seems to me that our friends on the Mississippi River, both above and below, ought to recognize the fact that we have kept in the bill the entire appropriation for that river as it came from the House, one-fifth of all the amount required by the law for the improvement of that river. We have made an exception of that great body of water. We have stricken down one-fourth of all the appropriations made for all rivers and harbors except this one. In this case we have made an exception for the Mississippi River, both above and below its mouth.

Mr. BLANCHARD. Will the Senator from Maryland yield to me for a moment?

Mr. GORMAN. Certainly.

Mr. BLANCHARD. I desire to call the attention of the Senator to the law under which the appropriation is made for the Lower Mississippi River, and that law shows that the statement of the Senator is erroneous. The law requires the \$2,583,000 to be appropriated. It is the law of June 3, 1896.

Mr. GORMAN. Will the Senator read the provision?

Mr. BLANCHARD. I will:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, \$625,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building and repairing of levees, and for surveys, including the continuation of the survey between Head of Passes and the head waters of the river, such improvement, surveys, building and repairs of levees to be made and carried on in such manner as in their

opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$2,375,000, exclusive of the amount herein appropriated—

Mr. GORMAN. That is all that applies to this appropriation, Mr. BLANCHARD. One minute. I have not completed my statement.

Mr. GORMAN. I gave way to the Senator for a question, or for a suggestion in regard to the law, but I prefer to go on now and he can take the floor afterwards.

Mr. BLANCHARD. Very well.

Mr. GORMAN. The provision which the Senator from Louisiana has read this moment was that not more than \$5,000,000—

Mr. BLANCHARD. Eight million three hundred and seventy-five thousand dollars.

Mr. GORMAN. As appropriations from time to time may be made by law, not exceeding in the aggregate \$5,025,000, exclusive of the amount therein appropriated. That provision was that it should not exceed that amount in one year; so there was a provision in the law that in making continuous contracts for all the great harbors of the country, but 25 per cent of the limit should be appropriated. It was not to exceed that. As it came from the House of Representatives, the bill provided for the full appropriation of 25 per cent on all the harbors, and gave one-fifth, as required by the act, to the Mississippi River.

Now the Senate committee and the Senate by its action to-day have reduced every other appropriation, leaving to the Mississippi River, both above and below, the full amount estimated by the Department; and hence I say the committee of the Senate has treated the Mississippi River as it ought to be treated, in my judgment, as an exceptional case.

The friends of the Mississippi River, both above and below, now come to the Senate and ask them to make an entire new provision, one that was never considered in the river and harbor bill, and to put it on the pending bill which is intended and which must be kept simply as a bill carrying the appropriations required by law to be made, and is not a river and harbor bill.

Mr. BLANCHARD. I ask the Senator from Maryland to yield to me that I may complete the statement which I began and which he prevented me from concluding.

Mr. GORMAN. Very well.

Mr. BLANCHARD. If the Senator had allowed me to read on a little further he would have seen that the Appropriations Committee of the House placed in the bill for the Lower Mississippi River exactly the amount which the law says must be placed in the act annually. I read further:

Provided further, That for the fiscal year ending June 30, 1897, said contracts, and materials purchased, and work done otherwise than by contract shall not exceed the sum of \$625,000—

That was for the first year—

and thereafter shall not exceed the sum of \$2,583,333 annually for the three years beginning July 1, 1897.

The appropriation of \$2,583,333, which Senators find in the bill, is exactly the amount which the law states must be placed in there annually for the three years beginning July 1, 1897.

Mr. GORMAN. The Senator from Louisiana will scarcely make that argument. The law provides that not exceeding that amount shall be appropriated. It is the maximum that is provided for by the law and not the minimum, and so with the limit for all the harbors in the country. The appropriations for the contracts shall not be made to cover more than one-fourth of the amount.

Now, on account of the condition of the Treasury, the Committee on Appropriations have reduced all the other appropriations for harbors and rivers in the United States one-fourth. They have taken 25 per cent off of it, and we have made an exception in the case of the Mississippi River, giving it the full benefit of the maximum provided for in the act which the Senator has just read; and here comes a proposition, the only one on this bill, as offered now by the distinguished Senator from Illinois [Mr. CULLOM], that we will make a special provision, a new law, provide for entering into a new contract, and authorize the expenditure of \$100,000, which is not provided for by law, making this a river and harbor bill.

Mr. President, I appeal to Senators on this floor who are in favor of river and harbor improvements, as I am, to the Senators on the Mississippi River, who have been dealt with liberally and who ought to be dealt with liberally, who have been made special favorites by the committee and by the Senate in considering this bill, not to put in generally these appropriations which mean so much for commerce and the prosperity of our country. This bill as it stands to-day is the most extravagant that has ever been considered by either House of Congress. It contains as amended appropriations of over \$51,000,000, \$17,000,000 of which, as the bill came here, was for river and harbor improvements. More money

is carried by this bill than the condition of the Treasury will warrant, and I submit that, in view of the history and action of those who are to cooperate with us in making these laws, we ought to be careful and not to overstep the bounds of proper legislation.

This provision has no place here. In the Committee on Appropriations—I think I have a perfect right to speak of it—in the anxiety of members of this body to make provisions for improvements, \$4,000,000 was attempted to be placed upon the bill for new enterprises. There are Senators on this floor, and I am one of them, who would feel that we were bound to look after the interests of our sections of the country, and to ask that new items should be placed upon the bill if it is to be opened and to be made a river and harbor bill.

In this particular matter, there is some question as to the propriety of it, made by the engineer. I know nothing of it personally. I have been prepared to take the statement of the distinguished Senator from Illinois as to the necessity of it, although the engineer in his letter states that there is none whatever, provided you take it from that great appropriation made for the Mississippi River. What is \$100,000 out of two million and odd hundred thousand for the Lower Mississippi River, or the \$600,000 for the upper river? It does seem to me that our friends who are anxious for the improvements ought to agree that one-half of it shall be taken from the appropriations for the Mississippi River above and one-half from the appropriations for the river below, and not violate the law, not make a precedent which will break us down, if not in this bill, I fear in the bills to come, which will make appropriations hereafter on this bill so great that the bills can never become laws.

Now, I do not desire to impede the progress of the bill or to prevent the improvement, and the amount is so small that I would not have consumed so much of the time of the Senate but for the fact that my friend the Senator from Illinois [M. CULLOM], who I know is anxious in regard to this matter, and who happens to be a member of the Committee on Appropriations, as I am, has had to stand and say to other Senators "It is impossible for us under the law and with any proper conception of our duty in the Appropriations Committee to open this bill for new enterprises." I trust he will modify the amendment which proposes to strike out the provision as it came from the other House, and let the \$100,000 to be taken one half from the appropriations for the river above and one half from those for the river below. That, it seems to me, is a fair compromise. It is a mere bagatelle, so far as these improvements are concerned. It saves a world of trouble, and it will probably save the appropriations that ought to be made in the future.

Mr. CULLOM. I am greatly embarrassed to have to continue this discussion for another moment, because I have been very anxious to get along with the bill, and I made the suggestion and offered the amendment on the supposition that there would be no opposition to that mode of disposing of the question.

Mr. President, if it were an ordinary appropriation for an improvement, I would be the last man, I think, who would insist upon a dollar where it is not estimated or recommended by the department having it in charge, but here is a condition that confronts those people and the Government in such a way that I would be recreant to my duty if I did not insist that an appropriation from some source should be made to protect the river. It is not an ordinary appropriation, and it is not outside of the bill, as I think, either. It is the regular improvement of the Mississippi River. It is true, as the Senator from Maryland says, that it becomes to an extent a river and harbor measure. But this is an emergency which makes it my duty to insist upon it, because I know exactly what the condition of affairs there is.

I want to make one suggestion to show that the emergency is liable to become so imminent that in any twenty-four hours the water will break through from this point on the Mississippi River into the Cache River. There is a little point called Beach Ridge, into which the water has been cutting and cutting for some time, until the point is nearly taken away. When that point shall be taken away, there will be nothing but marsh almost on the other side next to the Cache River, and it will go through without any sort of obstruction; there will be no such thing as stopping it. The amendment should be adopted as I have proposed it, unless it can be arranged to take the money from the appropriations for both ends of the river. I will be perfectly contented if Senators will agree to that, and I wish they would, because it is an embarrassment to me to insist upon it outside of that clause. It is a little irregular, but here is an emergency which, it seems to me, requires the Government to do something, whether it is regular or irregular, in the particular form which the amendment may be placed.

I wish to say that if the Senators especially representing the north end of the river and the south end of the river will agree that the amount shall be divided equally, I shall be entirely content. I shall be very glad if they will do so, and I shall have the amendment prepared so as to fit that condition. I pause for a moment to see whether that can not be done.

Mr. VEST. I could not agree to take this appropriation from

the appropriations for the upper and the lower river, or to take any part of it from the appropriation for the upper river. Here is a letter which I have received from the Chief of Engineers, giving information from the engineer in charge of the river. I will ask that it may be read. When I first noticed this provision in the public press, I addressed a communication to the Corps of Engineers asking what were the facts in regard to it, whether that amount of money, \$100,000, could be taken from the upper river, and here is the reply.

The Secretary read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 17, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of February 16, 1897, relating to the diversion of \$100,000 from the appropriation for improving the Mississippi River between the Ohio and Missouri rivers to the protection of the bank of the Mississippi River above Cairo, Ill.

Maj. Thomas H. Handbury, Corps of Engineers, the officer in local charge of this section of the Mississippi River, is of the opinion that there is no immediate danger of the river cutting through into the Cache River and thence into the Ohio, and he does not consider the proposed work at the present time so great a necessity as to justify the diversion of funds from other work more important to the interests of navigation. He is also of the opinion that this bank protection, if undertaken, will cost far more than \$100,000.

In my opinion the proposed diversion of \$100,000 from the appropriation for improvement of the Mississippi River between the mouths of the Ohio and Missouri will materially affect the interests of that important work.

If it be the will of Congress that the bank above Cairo be immediately protected, it is respectfully suggested that the work be otherwise provided for than by diverting money from the improvement of the Mississippi between the Ohio and Missouri. The caving bank in question is a few miles above Cairo, but the effect of a cut-off would be felt below the mouth of the Ohio, and it is a question whether any work looking to the prevention of such cut-off is not a more proper charge against the item of \$2,583,333 in the sundry civil bill for continuing improvement of the Mississippi River from Head of the Passes to the mouth of the Ohio River.

Very respectfully, your obedient servant,

JOHN M. WILSON,

Brigadier General, Chief of Engineers, United States Army.

Hon. G. G. VEST,
United States Senate.

Mr. BLANCHARD. Mr. President, the Senator from Maryland has attempted to make it appear that there is no difference between contracts made for the improvement of harbors and those authorized for improvements on the Mississippi and Missouri rivers. In point of fact, there is a great difference between them, one that has always been recognized by the River and Harbor Committee of the House and by the Commerce Committee of the Senate.

By way of illustration, take any one of the harbors of the United States that is now being improved under the continuous work, or contract, system. For instance, the harbor of Galveston. There we knew exactly how much money it would take to improve the harbor to the depth of water which the project called for. The commission of engineers appointed to consider this harbor and submit a project for its improvement stated in their report that the work completed would cost \$7,000,000. Congress thereupon, a few years ago, authorized the Secretary of War to make a contract for the completion of the project of improvement recommended for Galveston Harbor, not to exceed in the aggregate \$7,000,000. The river and harbor act which embodied this authorization appropriated the first installment to meet the early payments under the contract to be made for this work, and the remaining payments were to be made as Congress should from time to time make appropriations therefor, which appropriations, it was contemplated, should be made on that one of the general appropriation bills known as the sundry civil appropriation bill.

Under the authorization for the making of the Galveston contract, a contract was let to certain bidders. They took it at a sum within the aggregate amount fixed by Congress. The first payments under that contract were made out of the first installment which the river and harbor act that authorized the contract appropriated. Then subsequent payments were made from time to time as the money was appropriated by law, in the sundry civil appropriation acts.

But when it came to the Mississippi River and the Missouri River it was impossible for the engineers to state how much money was required to complete the rectification and the improvement of those rivers. They could not submit a project and estimates for the completion of the works of improvement of those rivers. Therefore it became necessary to state some amount of money to the extent of which contracts on those rivers should be authorized, and a limit of time in which the money was to be expended. No contract to complete the improvement of the Mississippi River could be authorized, because no one could tell, as could be done at Galveston Harbor, how much it would take to improve the river. But Congress thought continuous work on the river should be authorized, and the contract system should be applied. So, not being able to state how much money would be needed to complete the works on the Mississippi River, and thus not deeming it advisable to authorize contracts to complete, the river and harbor act of 1892 authorized the sum of \$10,000,000, and the river and harbor act of 1896 authorized \$9,000,000, which money was to be expended within four years. All the \$10,000,000 authorized by the first-named act was appropriated and expended in the four

years following, and we are now on the \$9,000,000 authorization of the second-named act. If this money is not appropriated in the four years named in the act, the appropriation lapses and the money is lost to the river. Not so with the harbors, like at Galveston, or Yaquina Bay, or Humboldt Bay, and others, for if Congress fails to appropriate in the sundry civil act of this year for those harbors, the money is not lost to them. There is no limit of time as to the completion of those harbor works. If the money as to them be not appropriated one year, it may be the next.

But as regards the Mississippi and Missouri rivers, the law requires the money to be appropriated within four years, and if not appropriated in that time it is lost to the rivers. As to the Mississippi River, the law says explicitly that not exceeding \$2,583,333 per annum shall be appropriated. Now, it is clear that if this sum is not appropriated in this bill the deficit can not be made up to the river in the next bill, for not exceeding \$2,583,333 can be appropriated by the terms of the law in any one of the fiscal years named in the act of Congress.

Therefore it is necessary for Congress, under the law authorizing the expenditure of the \$9,000,000 on the Mississippi River in the four years, to appropriate the maximum sum named in the act to be appropriated each year.

The Senator from Maryland must see that if that amount of money is not appropriated in this bill it is lost to the Mississippi River, and surely he does not desire that.

Mr. CAFFERY. Mr. President—

Mr. BLANCHARD. I yield to my colleague.

Mr. CAFFERY. Do I understand my colleague to say that if a less sum than the maximum is appropriated in any one year the sum total is to be diminished by that amount? In other words, would the improvement lose the \$9,000,000 in the annual aggregate of improvements if one annual appropriation was less than one-fourth of it?

Mr. BLANCHARD. I will answer my colleague by stating that the river and harbor act of 1896, which authorizes the expenditure of the \$9,000,000 upon the Lower Mississippi in four years, distinctly states that for the first year \$625,000 shall be appropriated and expended, and for the next three years not exceeding \$2,583,333 is to be appropriated. In this way the \$9,000,000 is to be appropriated in the four fiscal years.

Mr. CAFFERY. And must not be less?

Mr. BLANCHARD. The \$9,000,000 is to be appropriated and expended in four years, the first year six hundred and odd thousand dollars and the next three years two million five hundred and eighty-odd thousand dollars. I will say to my colleague that the first installment of \$625,000 was appropriated by the appropriation act which made this authorization. We are now proceeding to appropriate for the second installment, and should it be less than \$2,583,333 the deficit can not be made up without a new act of Congress. In other words, under existing law the deficit is absolutely lost to the river. This construction was placed upon the law by the River and Harbor Committee of the House when the act authorizing the expenditure was passed. I repeat, this money must be appropriated in the four fiscal years named in the act authorizing the expenditure, and it can not be appropriated thereafter except by a new direction of Congress.

Mr. BERRY. If any of it is diverted, it is gone.

Mr. BLANCHARD. And if any of it is diverted, it is gone.

Mr. GORMAN. Will the Senator permit me, for I think he has unintentionally rather misstated my position in this matter?

Mr. BLANCHARD. I should certainly desire to be corrected by the Senator if I have done so.

Mr. GORMAN. What I contended about the appropriation is that under the river and harbor act Congress can, in its discretion, appropriate whatever amount it sees proper, and that we are not bound under that law or under the contract to appropriate the whole amount this year. I agree that the aggregate amount to be expended is fixed by law and will not be changed. I stated that I did not antagonize, either in committee or on the floor, nor do I now, the making of the full appropriation for the Mississippi River, both above and below. I am heartily in favor of it. All I have asked is that the friends of that great improvement will not compel us in this case to make an entirely new appropriation that is not provided for by law; in other words, to save us from making a river and harbor appropriation on the sundry civil bill. That is all I have asked.

Mr. BLANCHARD. The Senator from Maryland does not now, as I understand him, controvert that there is a very decided difference between the contracts authorized by law for the improvement of the harbors of the United States and those for the improvement of the two great rivers named. He does not controvert, as I understand his position, that if the \$9,000,000 is not appropriated in the four fiscal years that that portion which is not so appropriated is absolutely lost to the river.

Mr. GORMAN. That is true.

Mr. BLANCHARD. The Senator says that is true. Then, if that be true, Congress in the present sundry civil bill should ap-

propriate, as the committee have authorized to be done, the full amount of the two million five hundred and eighty-odd thousand dollars which the law mentions as the maximum sum to be appropriated for the Lower Mississippi River for each of the three fiscal years beginning with July 1, 1897.

The Senator says that they treated the Mississippi River with greater consideration than the harbors because they did not reduce the appropriation. If they had reduced it, the amount of the reduction would be lost, and that is why it was not reduced.

The Senator from Illinois is exceedingly anxious that \$100,000 shall be expended for the purpose of preventing what is supposed to be the danger of a crevasse from the Mississippi River into the Ohio River 8 miles above the mouth of the Ohio River. That matter, it seems, was presented to the House Committee on Rivers and Harbors, and, believing that it was a good case, they authorized the expenditure of \$100,000 to prevent the crevasse, and very properly directed it to be taken from the appropriation for the Mississippi River between the mouth of the Ohio and the mouth of the Missouri River. This threatened cut-off is along that reach of the river.

While it is true that the Mississippi River is one great national highway, beginning, so far as its navigation is concerned, at St. Paul and extending to the Gulf of Mexico, nevertheless Congress has not treated the river as a whole as regards its improvement. It has subdivided it into sections for the purpose of its rectification and improvement. It is now, and has been for years, divided into three sections—from St. Paul to the mouth of the Missouri River, from the mouth of the Missouri River to the mouth of the Ohio, and from the mouth of the Ohio to the Gulf of Mexico. For these three stretches of the river distinct appropriations have from time to time been made by Congressional action. So it is in the last river and harbor act. The river is divided into these three sections, and a certain amount of money is authorized to be appropriated annually for each of the three sections. Between the mouth of the Missouri and the mouth of the Ohio a large sum of money is directed to be expended annually for four years, and the present sundry civil bill carries the second installment of that authorization. Now, the Senator from Illinois, a member of the Committee on Appropriations of the Senate, changed the proposition as it was recommended by the House Committee on Rivers and Harbors and adopted by the House.

Mr. CULLOM. Will the Senator allow me to interrupt him? It was not my action that suggested the change at all. I submitted to the judgment of the committee that it was better to take it from the lower river than from the upper. It was entirely a matter of judgment on the part of the committee that that change was made, but I did not suggest it as a matter of fact; I acquiesced in what seemed to be the judgment of the Committee on Appropriations.

Mr. BLANCHARD. The proposition, then, was changed by the Committee on Appropriations from the way it was adopted in the House. This threatened crevasse, I will call to the attention of Senators, is not along that reach of the river from the mouth of the Ohio to the Gulf, but is along that reach of the river from the mouth of the Ohio northward to the mouth of the Missouri River. What right have those gentlemen in the State of Illinois, at whose instance this appropriation of \$100,000 is proposed to be made, to ask that it be taken from the appropriation for that portion of the Mississippi River below the mouth of the Ohio? I will say to the Senators from Illinois that we have as much to attend to in the way of crevasses and river improvements and prevention of floods in the Lower Mississippi River as we can possibly attend to. That is a vastly important reach of the Mississippi River.

Mr. PALMER. Will the Senator allow me to make one remark to him?

Mr. BLANCHARD. Certainly.

Mr. PALMER. If the Mississippi River shall break into the valley of the Cache, the mouth of the Ohio would be above on the Mississippi, and not below Cairo, as it is now?

Mr. BLANCHARD. Mr. President, you observe from the map which the Senator from Illinois who sits on the other side of the aisle [Mr. CULLOM] exhibited to the Senate that this threatened crevasse is on the Illinois side of the Mississippi River, at a point 8 miles above Cairo, and, if the crevasse occurs, the water of the Mississippi River, or a portion of the water of the Mississippi River, would be diverted into the Cache River, which runs southeasterly a short distance and then empties into the Ohio River. Now, the water which escapes through this crevasse from the Mississippi River above the mouth of the Ohio River would flow into the Ohio River a few miles above the city of Cairo, and, not being able to run upstream, there would be no place for it to go except down the Ohio River and back into the Mississippi River. In other words, that crevasse, about which these gentlemen are concerned, would not affect the Lower Mississippi River at all. Every drop of water that escaped through the crevasse would find its way into the Ohio River and then back into the Mississippi River, and thus on to the Gulf. There would be no depletion of the quantity

of water in the channel of the lower river by this crevasse. It is no concern, Mr. President, of that lower stretch of the river whether this crevasse occurs or not, because the navigable channel of the lower river would not be affected. There would not be less water in that channel on account of the crevasse.

So it is a palpable injustice to the Lower Mississippi River to take from its appropriation \$100,000 to prevent a threatened crevasse on the Illinois side of the Mississippi River above the mouth of the Ohio. You might as well take \$100,000 from the Army appropriation bill. If this diversion of money is to be made at all, it should be made from that stretch of the river between the mouth of the Ohio and the mouth of the Missouri.

"But," says the Chief of Engineers, "the amount of money available for the river between the mouth of the Ohio and the mouth of the Missouri should not be diminished by taking from it this \$100,000;" and then he goes on to state in his letter that if this diversion is to be taken from any of the appropriations authorized by law for the Mississippi River it can better be spared from the appropriation for the Lower Mississippi River.

Mr. President, the Chief of Engineers is not authorized by law to speak for the appropriations, either as to their amount or their expenditure, which Congress makes for the Lower Mississippi River. He is authorized to speak for the appropriations which Congress makes for the Mississippi River above the mouth of the Ohio, because above the mouth of the Ohio the improvement of the Mississippi River is directly under the Engineer Corps, of which the Chief of Engineers is the head, but below the mouth of the Ohio River the improvement of the Mississippi River is by law under the direction of the Mississippi River Commission, and the Secretary of War and the Chief of Engineers have nothing whatever to do with it, except to approve the recommendations of the Commission.

General Wilson, the Chief of Engineers, is not the official designated by law to state what amount of money is needed for the improvement of the Lower Mississippi River, nor is he the official designated by law to say that this hundred thousand dollars can be better spared from the Lower Mississippi River than it can from the upper reaches of the river. The Mississippi River Commission, who have charge of the Lower Mississippi River, have not been consulted in this matter. It is upon their recommendations and their estimates that the lower river is appropriated for, and the \$9,000,000, about which I have been speaking, that was placed in the last river and harbor act was so placed there upon the estimates made not by the Chief of Engineers or the Secretary of War, but upon estimates submitted under the law by the Mississippi River Commission. We have nothing from the Mississippi River Commission stating that this hundred thousand dollars can be spared from the lower river. All that there is to base this proposed diversion of a hundred thousand dollars on is this letter of the Chief of Engineers, who has nothing to do with either the estimates for the lower river or their expenditure beyond the approval of the projects of the river commission.

I am not here for the purpose of fighting an appropriation of \$100,000 to prevent this threatened cut-off, but I am here to object to its being taken from moneys justly belonging to the lower river.

Mr. CULLOM. Will not the Senator consent to a division of the amount, and let one-half of the money come from the Lower Mississippi and the other half from the Upper Mississippi?

Mr. BLANCHARD. The Senator asked that question a little while ago of the Senator from Missouri, and the Senator from Missouri declined. The Senator from Illinois has now pending an amendment making a separate, independent appropriation of \$100,000 for this work, which would prevent it being diverted from either the upper river or the lower river. That proposition, I think, ought to be adopted, and I believe the Senate will adopt it.

Mr. BERRY. Let us have a vote on the Senator's proposition.

Mr. CULLOM. Allow a vote on that and have it settled, so far as the question of the original appropriation is concerned.

Mr. BLANCHARD. All I am concerned about is to prevent an injustice from being done to the lower river. If this crevasse was along any part of the Mississippi River below the mouth of the Ohio River, the money to stop it would very properly come out of the appropriation for the lower river to prevent it; but it is above the mouth of the Ohio River. I trust the Senate will adopt the substitute proposition of the Senator from Illinois.

Mr. CULLOM. I should like to modify the proposition by adding at the end of the amendment the words "to be immediately available."

The VICE-PRESIDENT. The amendment will be so modified. Mr. VEST. That is right. I hope that that proposition will be adopted. Make the appropriation of \$100,000, and not take it from either end of the river.

Mr. BERRY. That is right.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Illinois as modified.

The amendment as modified was agreed to.

Mr. CULLOM. The amendment on page 95 will be considered

as stricken out of the bill and this amendment agreed to. The other goes out of the bill because this amendment is a substitute for it.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. BERRY. It goes out under this agreement, I will state.

The VICE-PRESIDENT. The Chair so understands.

The next amendment which had been reserved by the Committee on Appropriations was, after line 16, page 97, to insert:

And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates; and all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. VEST. Mr. President, I want to enter my opposition to that amendment. I should like to hear from the chairman of the Committee on Appropriations why he is disposed to force us to make up a river and harbor bill every year. It is bad enough to make one every two years, and it is proposed by this amendment to make a river and harbor bill every twelve months.

Mr. ALLISON. The amendment explains itself. The idea of the amendment is that we shall eliminate from the sundry civil bill hereafter the river and harbor element.

Mr. VEST. I have no objection to that.

Mr. ALLISON. And have it dealt with by some other committee of this body, possibly the Committee on Commerce. The Committee on Appropriations is not anxious to have its jurisdiction enlarged, and in order to show that at least in one instance we wanted to minimize the extraordinary powers of the Committee on Appropriations, we thought we would recommend this amendment.

Mr. CAFFERY. Mr. President, it occurs to me that the criticism made by the Senator from Missouri is correct, it being the language that an annual estimate shall be made of these different sums to be appropriated. Now, in a continuous contract, where a sum of money is awarded to a contractor under such a contract, how can an annual estimate be made when a contract is taken in a lump sum? I would ask the Senator from Iowa how that would work? This amendment provides for an annual estimate by the Chief of Engineers. In the case of continuous contracts providing for a lump sum, the work to be done in three or four years, how does the annual estimate come in? What is the purpose of requiring it?

Mr. ALLISON. What does the Senator regard as the value of the statements made by the Chief of Engineers as to the appropriations which are now in this bill? They are not annual estimates. Why should not we have, I will ask the Senator, the responsible indorsement, first, of the Secretary of War and, secondly, of the Secretary of the Treasury as to these expenditures and appropriations, as much as we should their estimates and indorsements of other appropriations they have asked us to make under the law?

Mr. CAFFERY. The annual estimates of expenditures is a very good thing in its place. The continuous-contract system has been recently adopted; it is not of very ancient date. When a continuous contract is made, and a lump sum is appropriated for such work, of course you can divide the number of years which that work will take, and get an annual estimate. That is a mere mathematical calculation.

Mr. ALLISON. It may be, and it may not be.

Mr. CAFFERY. What I wanted to know was whether, if this annual estimate for separate works was insisted upon as an independent estimate, it would conflict with the continuous-improvement plan?

Mr. ALLISON. I think not. So far from it, it would only promote that plan, requiring the Secretary of War to give us the information which would require the necessary appropriations to be made under these continuous contracts.

Mr. CAFFERY. If we have those estimates already, what is the particular use of requiring specially an estimate to be made hereafter?

Mr. ALLISON. We do not have those annual estimates. We have no estimates this year from the responsible head of the Department, the Secretary of War; nor have we any estimates incorporated in the Book of Estimates, and carried into the sum total of the estimates of expenditure of the Government. Now, why should we exempt these appropriations from that general routine, if it be routine or if it be of value to Congress in making appropriations? Why not have it apply to rivers and harbors as well as to other public improvements?

Mr. FRYE. Mr. President, I do not think the Senator exactly understands the estimates. This bill is exceptional. Nearly all of the items are for contracts which either have not yet been entered into, or where proposals have been made, or where they intend to make a contract authorized by law one year ago. The only way to make an estimate on a new contract is the way pursued in this case in nearly every item, by simply limiting the

amount, as the law limits it, to 25 per cent in some cases and 50 per cent in others; but that is not the way they will estimate hereafter. After the contract is made, then the way they estimate is to take a return from the contractor for the amount of work which he has done and the pay to which he is entitled, and that is sent to the Committee on Appropriations for the full amount. That is an estimate exact; it can not be questioned; and there is nothing for the Committee on Appropriations to do except to make the appropriation. That is all there is to it.

Mr. ALLISON. That has not been done.

Mr. FRYE. In this case.

Mr. ALLISON. This year that has not been done.

Mr. FRYE. But it will be done next year.

Mr. ALLISON. That may be. We simply provide that it shall be done. It has not been done this year, and therefore the Committee on Appropriations have had no guide except such information as they could gather. They have not even this year adopted the suggestion the Senator from Maine makes; they have not estimated or provided in the appropriation, as the bill came to us, for one-fourth, one-third, or 50 per cent of those contracts.

Mr. FRYE. I object, Mr. President, to this amendment very seriously. These items appear here upon the sundry civil bill now, simply because, as a rule, they are debts against the United States under contracts, and therefore the proper place for them is on the sundry civil bill.

Mr. ALLISON. Let me ask the Senator if they are debts of the Government under contract, why are they not estimated for? We estimate for the pages, the clerks, the stenographers, and all our employees here detailed, and those estimates are found in the Book of Estimates. Why? Because they are necessary expenditures to be made, and appropriated for in order that they may be made.

All we desire is the information that the heads of Departments ought to give us as to the amount of money that should be appropriated for this or that particular work.

Mr. FRYE. Does the Secretary of War send in an estimate?

Mr. ALLISON. The Book of Estimates, under the law, is required to be made up by the Secretary of the Treasury and sent here as estimates of appropriations; and, under our rules, when these estimates are found in the Book of Estimates amendments in accordance with these estimates are in order under our rules and may be offered here; but we have no such estimates in the Book of Estimates as to any one of these contracts.

Mr. FRYE. But the Committee on Commerce never has any estimates from the Treasury Department. All the estimates that come to the Committee on Commerce on which the river and harbor bills are made up are simply estimates of the Secretary of War.

Mr. ALLISON. They are estimates; that is, they are statements which come from the Engineer Bureau, first, as to the propriety of these public works, and, secondly, as to the amount of money necessary to carry on or complete them. Therefore, of course, the Committee on Commerce has no estimates in the sense of the provision of law requiring estimates; but when a work is authorized, and when an amount of money is required to be expended, in every case the amount ought to be incorporated in the Book of Estimates, so we may know at the beginning of a Congress how much the Secretary of the Treasury and the different heads of Departments think ought to be appropriated to carry on the great business of this Government; and they ought to send us their views as to the necessary amount of money that should be expended for rivers and harbors, as well as for everything else in our Government.

Mr. FRYE. Mr. President, I simply want to say a very few words. My principal objection to this amendment is that it will provide for a river and harbor bill every year hereafter. You send those estimates from the Secretary of the Treasury or the Secretary of War to the Committee on Commerce, and every appropriation for any river and harbor in the United States is entirely germane and relevant, and you could not succeed in keeping back the enormous pressure which there is upon the Committee on Commerce for river and harbor improvements. That pressure is entirely legitimate, and it comes from this, that while ten or fifteen years ago 10 or 12 feet of water would float nine-tenths of the freight vessels of the United States, to-day it takes from 25 to 30 feet to float the same freighting vessels. Then you could carry freight on a vessel of two or three hundred tons; to-day, with any profit, you must have a vessel which will carry from three to six thousand tons; and they are building them on the Lakes to-day of 6,000 tons. Those vessels must have harbors to go into, and those harbors must have water from 25 to 30 feet; and the pressure, which I say is entirely legitimate, is coming from all over this country for increased appropriations for rivers and harbors. We have done everything we possibly could to hold on to this matter. We have provided, in the first place, by a law, that in every case there shall be a preliminary examination, and that that preliminary examination shall simply be an opinion on the part of an engineer as to whether or not any improvements at all should ever be made and whether or not commerce requires it. That takes

two years. Under our present arrangement, then, if the report be in favor of an improvement, we provide in a river and harbor bill for a survey. That takes two years longer, and thus we have deferred that application for four years.

Now, the moment you undertake to send to the Committee on Commerce this jurisdiction which you provide for in the amendment, you have opened up a river and harbor bill every year; and every other year, if these appropriations come in—for the regular river and harbor bill comes in every other year—there will be a river and harbor bill so enormous, taking in all the regular appropriations we must make, that it will be top-heavy and drop over of itself. I think it would be a very great misfortune to have this amendment adopted.

Mr. HOAR. I move to strike out the part of the amendment following the word "estimates," in the twenty-first line. I think it is liable to the clear point of order of being a change of the rules of the Senate, which can only be made in the way prescribed in those rules, and it seems to me that while it may not be of great importance in itself, yet it is a very objectionable thing to tie up this body by a statute in regard to the action of the several committees of the Senate. It never has been heard of in our legislation except in the case of certain public expenditures.

Mr. ALLISON. Does the Senator make a point of order on the last part of the amendment?

Mr. HOAR. Yes. In regard to the matter of public printing, which is a mode of expending money placed in the power of the Senate without requiring a joint resolution to be approved by the President, we have certain statutes, and there is a certain statute in existence now in regard to spending money for surveys, I believe, in regard to river and harbor matters, but here is a proposition providing by statute, which is irrepealable except by another statute, that certain committees of the Senate shall exercise certain functions and make certain reports every year. I do not believe it is consistent with the Constitution, which gives each body the power to make rules and regulations for its own government and to appoint its own committees. Even if it were in accordance with the Constitution, I think it might put into the mind of the other House an idea which they may act upon in a way which will plague us very much hereafter, if we pass it. So that, as a matter of expediency, I think this ought not to be done, and I make the point of order on so much of the paragraph—but I suppose it applies to the whole paragraph, unless the latter part is stricken out by the committee—I make the point of order that it is a change of rules, which can no more be done by a statute than can a rule be changed except in the manner provided for.

The VICE-PRESIDENT. The Senator from Massachusetts makes the point of order against the amendment.

Mr. HOAR. Let the last four lines of the proposed amendment be read.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

And all such river and harbor estimates shall be considered and reported upon in a separate bill by the committee of each House having charge of river and harbor improvements.

Mr. HOAR. That matter is provided for by our rules now, and always has been, and always must be until we change the rules.

Mr. BLANCHARD. Mr. President, I desire to state that I think the point of order made by the Senator from Massachusetts is certainly good, and further to state that the friends of the river and harbor improvements in the Senate can not afford to adopt any such amendment as that proposed by the Committee on Appropriations, even if the point of order be not good.

I wish to state here that if that amendment were adopted and a separate bill, another annual appropriation bill, made necessary to carry these appropriations for money to meet payments under existing river and harbor contracts and those of the future, it would endanger the success of river and harbor improvement in this country.

I think the point of order is well taken, and, if it be not, the amendment should be voted down by the Senate.

The VICE-PRESIDENT. The Chair has no hesitation in sustaining the point of order made by the Senator from Massachusetts.

Mr. FRYE. To the first five or six lines of the amendment nobody objects.

Mr. ALLISON. We bow to the decision of the Chair on the point of order that the last four lines of the amendment shall go out. I understand that there is no objection to the first part of the amendment.

Mr. FRYE. The first part is all right.

The VICE-PRESIDENT. The question is on agreeing to the remaining part of the amendment, which will be stated.

The SECRETARY. On page 97, after line 16, it is proposed to insert:

And hereafter the Secretary of War shall annually submit estimates in detail for river and harbor improvements required for the ensuing fiscal year to the Secretary of the Treasury to be included in, and carried into the sum total of, the Book of Estimates.

The VICE-PRESIDENT. Without objection, that portion of the amendment which has just been read will be agreed to.

Mr. ALLISON. There is an amendment on page 81, line 7, which I ask to have now considered.

The VICE-PRESIDENT. The amendment indicated by the Senator from Iowa, which was heretofore passed over, will be stated.

The SECRETARY. On page 81, after the word "night," at the end of line 9, the Committee on Appropriations reported to insert "which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks," so as to read:

For lighting thirty-two arc electric lights in Lafayette, Franklin, Judiciary, and Lincoln parks three hundred and sixty-five nights, at 25 cents per light per night, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said parks, \$2,920.

The amendment was agreed to.

The next amendment of the Committee on Appropriations which was passed over was, on page 81, line 12, after the word "dollars" to strike out:

Provided, That all wires shall be placed underground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric-light company without expense to the United States, and that 25 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

And insert:

Provided, That hereafter there shall be no extension of electric-lighting service, and it shall be unlawful to open any of the streets, roads, avenues, alleys, or other public highways, or any of the parks or reservations in the District of Columbia, for the purpose of laying electric wires, cables, or conduits therein, until specifically authorized by law.

Mr. McMILLAN. I offer the amendment which I send to the desk in lieu of the amendment of the committee which has just been stated.

The VICE-PRESIDENT. The amendment of the Senator from Michigan to the amendment will be stated.

The SECRETARY. It is proposed to substitute for the amendment of the Committee on Appropriations the following:

Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits for electric lighting purposes in any road, street, avenue, park, or reservation except as hereafter specifically authorized by law: *Provided, however*, That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public lighting connections with conduits already in the portion of the street proposed to be lighted. And nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or legality of the construction of any conduits made since June 18, 1896, or as validating any such conduits.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan to the amendment of the committee.

Mr. McMILLAN. I understand my amendment to the amendment is accepted by the committee.

Mr. ALLISON. The effect of the amendment of the Senator, as I understand it, is to strike out all after the word "dollars," in line 12, on page 81, including the proviso the committee recommended should be stricken out, and also the proviso it reported to insert.

Mr. McMILLAN. Yes.

Mr. HILL. Will the Secretary read the last two lines of the amendment offered by the Senator from Michigan?

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

And nothing herein contained shall be construed to effect in any way any pending litigation involving the validity or legality of the construction of any conduits made since June 18, 1896, as validating any such conduits.

Mr. HILL. Mr. President, I have heretofore opposed certain portions of this amendment. I am somewhat reluctant on this day to engage in any extensive debate upon the propriety of this amendment as a whole, and my reluctance is based upon several reasons. In the first place, I was one of those who doubted the propriety of our meeting to-day for the purpose of enacting legislation for the people of the United States. My attention had been called to various petitions presented to the Senate by honorable Senators asking for the enactment of a rest day for the District of Columbia, and I was disposed to acquiesce in the sentiment expressed in those petitions, one of which I shall now read:

To the honorable the Senate of the United States, in Congress assembled:

We, the Woman's Christian Temperance Union of Westchester, Chester County, Pa., respectfully petition your honorable body to enact a law for Sabbath observance in the District of Columbia equal to the best of the similar laws of individual States.

Alice Lewis, President.
Louisa E. Caldwell, Secretary.
L. M. Cobb, Treasurer.
Representing 69 members.

I had previously presented other petitions from the Woman's Christian Temperance Union upon the same subject and other subjects.

In connection therewith the distinguished Senator from Michigan [Mr. McMILLAN] who offers this amendment on this day to

enact legislation introduced a bill, which I will have the honor of reading.

A bill to protect the first day of the week, commonly called Sunday, as a day of rest and worship in the District of Columbia.

Be it enacted, etc., That on the first day of the week, known as the Lord's Day, set apart by general consent in accordance with divine appointment as a day of rest and worship, it shall be unlawful to perform any labor, except works of necessity and mercy and work by those who religiously observe Saturday, if performed in such a way as not to involve or disturb others; also to open places of business or traffic, except in the case of drug stores for the dispensing of medicines; also to make contracts or transact other commercial business; also to engage in noisy amusements—

Whatever that may mean—

* * * also to perform any court service, except in connection with arrests of criminals and service of process to prevent fraud.

Then the bill provides very severe penalties for violations of its provisions. But, before speaking on the amendment, I desire to ask the distinguished Senator from Michigan whether that bill was enacted into law? Hearing no response, I assume that the bill was not enacted into a law, although by its terms it was broad enough to prevent the enactment of any law by the Congress of the United States on this day. For these reasons, Mr. President, I hesitate to engage in a general debate in the face of this petition of 69 honored members of the Christian Temperance Union, and in the light of the bill presented by my distinguished friend from Michigan, I hesitate to oppose his amendment on this day. I understand a similar amendment substantially is to be proposed to the District of Columbia appropriation bill, and perhaps that may be taken up to-morrow, when possibly I may engage in some debate upon this general question.

Mr. President, seriously in regard to this amendment—my friend the Senator from Kentucky [Mr. LINDSAY] asks me if I have not been serious all the while. That is a reflection upon the remarks I have already made.

I do not think this is a wise amendment. If it were earlier in the session, I should be disposed to oppose it seriously, but because of the present state of the business and for other reasons, I do not see fit at this time to offer opposition to it. It makes one provision in regard to the prevention of the erection of overhead wires which I do not think will meet with public approval. It prevents the erection of overhead wires outside of the city of Washington and in the country portions of the District of Columbia. I am assured that it is likely that some legislation may follow in the near future, possibly at the extra session, whereby the people living in the country districts, who are not supplied with gas, may be enabled to be supplied with electric light in some form or other.

My next criticism of the amendment is that it allows house connections with conduits adjacent to the premises with which such connection is to be made. The inquiry I desire to make of the distinguished Senator from Michigan is, whether it is understood by himself and the committee that this would permit house connections where the conduit is on the opposite side of the street from the house?

Mr. McMILLAN. I will state in reply to the Senator from New York that it certainly means to enable the people living on both sides of the street to make such connection. That is all it does.

Mr. HILL. Although the conduit is upon only one side?

Mr. McMILLAN. Yes, sir; that is always done.

Mr. HILL. I accept that as a proper interpretation of the amendment, and acquiesce in it.

My other suggestion is simply this: There is litigation now pending, involving the question of the validity of the construction of certain conduits since June 18, 1896, and the object of the amendment, very properly, is to prevent this act from affecting it in any way. It would simply have been necessary to say that "nothing herein contained shall be construed to affect in any way the pending litigation." But there is added "or validating any such conduits." I think that is the last wording. I suggest simply an amendment to insert "or invalidating." That should be added, and I ask the Senator from Michigan to accept the amendment.

Mr. McMILLAN. I have no objection to that amendment if the Senator from Iowa will agree to it.

Mr. HILL. With these suggestions, I have no opposition to offer at this time.

The VICE-PRESIDENT. Does the Senator from Michigan accept the amendment?

Mr. McMILLAN. I do.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. ALLISON. I understand this phraseology was very carefully prepared. I do not know that the suggestion of the Senator from New York materially changes the amendment, but I understood the amendment was satisfactory to the Senator from New York. Will the Senator repeat his amendment?

Mr. HILL. It is to add, after "validating," the words "or invalidating." That is, that this provision shall neither validate nor invalidate it. I regard the last expression as unnecessary.

When you say that nothing herein shall affect the litigation, it is going far enough.

Mr. ALLISON. Let me suggest that we modify the amendment so that it shall read that "nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits."

Mr. FAULKNER. The word "legality" is already in. The Senator's amendment does not propose to strike that out.

Mr. HILL. It is not necessary to insert it in that place.

Mr. ALLISON. Let us say "validating or invalidating."

Mr. HILL. After the last word "validating" I wish to insert the words "or invalidating."

Mr. ALLISON. Every one would understand the phrase "pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1896."

Mr. FAULKNER. That strikes out the latter part of the amendment.

Mr. HILL. It strikes out the latter part?

Mr. FAULKNER. Yes.

Mr. ALLISON. It strikes out all after the words "eighteen hundred and ninety-six."

Mr. HILL. All right.

Mr. FAULKNER. I think the Senator will find that is a better method of expression.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. GORMAN and Mr. VEST. Let it be stated.

The SECRETARY. After the word "dollars," in line 12, page 81, it is proposed to insert:

Until Congress shall provide for a conduit system, it shall be unlawful to lay conduits or erect overhead wires for electric-lighting purposes in any road, street, avenue, highway, park, or reservation, except as hereafter specifically authorized by law: *Provided, however,* That the Commissioners of the District of Columbia are hereby authorized to issue permits for house connections with conduits and overhead wires now existing adjacent to the premises with which such connection is to be made, and also permits for public-lighting connections with conduits already in the portion of the street proposed to be lighted; and nothing herein contained shall be construed to affect in any way any pending litigation involving the validity or invalidity or legality of the construction of any conduits made since June 18, 1896.

Mr. GALLINGER. Mr. President, I feel, as the Senator from New York expressed himself, indisposed to discuss a question of this kind on this day, and yet I can not let the matter pass without making a few observations regarding it.

This is establishing two electric-light companies in the city of Washington. If that is to be the policy of the Congress, I do not know that I have any right to find fault, but I want to call attention to a remarkable fact, and that is the change of front on the part of the Commissioners of the District of Columbia in reference to the matter of competing electric-light companies in this great city.

On the 8th day of February, 1896, when a bill was under consideration by the Committee on the District of Columbia for the purpose of chartering a new gas company, the Commissioners of the District, the same gentlemen who are now in that high office, addressed a communication to the committee, a portion of which I desire to read. They protested against the incorporation of a second gaslight company in the District, and they gave their reasons for it as follows:

The Commissioners, however, in reporting upon all similar bills proposing to grant the privilege of tearing up the streets for the purpose of laying gas pipes or conduits therein, whether for the use of a telephone company or an electric-light company, have taken the ground that it was against the public interest to grant privileges of this kind to new companies; that the business carried on by such companies was under such conditions as to make a monopoly desirable, if not necessary. That, aside from the great damage to the pavements and the inconvenience to the public occasioned by digging up miles of public streets, it is not necessary or wise to duplicate any gas pipes or conduits in the public streets, for Congress has full power to regulate the rates to be charged by such companies, as well as to correct any other evils. The same majority in Congress which determines that a new telephone company, a new gas company, or a new electric-light company must be chartered to give the public its rights, can bring about the same result by controlling existing companies and with much less inconvenience to the public. Indeed, whether a new company be chartered or not, the public must be permanently protected, if at all, through the limitations provided by Congress, rather than by competition, except under conditions hereinafter mentioned.

That was the opinion of the District Commissioners, the same gentlemen who occupy those positions to-day, on February 8, 1896, a little over one year ago. Acting upon their advice, the District Committee reported against chartering a new gas company, and the Senate ratified their decision in that regard. It seems to me very remarkable that in so short a period of time these honorable gentlemen should have so completely changed front and that they should now be using their great powers as Commissioners of the District to install in the city of Washington a competing electric-light company.

On a former occasion I ventured to suggest in very plain language some of the reasons why I believed that this thing was done. I do not propose to-day to repeat them. Perhaps at some other time, when the Senator from New York discusses this ques-

tion further, I may have occasion to go into it a little more at length.

A few months ago, however, I will suggest, indeed not many weeks ago, when the Senator from New York was filibustering here against the passage of the joint resolution that was proposed for the purpose of calling a halt to this invasion of the streets by this company; a somewhat similar matter was before the District Commissioners, and I want to read what the District Commissioners said about it. That related to the market company in this District, and they were interviewed concerning an order that they had issued or were about to issue, and they were asked:

But you have issued an order to remove them, have you not?—

That was the farmers and truckmen and truckwomen who are about the market—

We have.

Has it been revoked?

It has not.

Do you propose to revoke it?

There is no necessity for revoking it. We do not intend to disturb them, because it seems to be the intention of the two District committees to legislate upon the subject.

When Mr. Commissioner Truesdell made that answer to a query that was propounded to him concerning matters relating to the market company we had before Congress a resolution on this very subject, and yet, while they held up the order concerning the market company, they hastened to give permits to the new electric-light company to invade our streets and to carry their conduits for miles before they came to a lamp-post which they were going to furnish with light. It is a very extraordinary condition of things.

I want to say here now that the president of the Potomac Electric Light Company last year, when he was seeking legislation of Congress, came to me personally, and time after time said to me that he had no desire to put his conduits east of Rock Creek; that he simply desired to have them in the territory west of Rock Creek. I venture to say that the Committee on Appropriations understood him to make the same statement, and that the legislation of the last Congress looked to permitting that company simply to put their conduits on the other side of Rock Creek, and not to invade this territory.

And yet after that legislation was enacted the Commissioners of the District of Columbia, in my judgment without authority—and I challenge any authority they may think they possess on the subject—hastened to permit this company to tear up our streets, and to carry their conduits 8 or 9 miles over the streets of this city, and even last night, in the darkness, a further conduit was laid in a certain street in the city of Washington.

Mr. VEST. Will the Senator from New Hampshire be kind enough to state whether that question was not passed upon by the courts here, both by Mr. Justice Cole and then by the appellate court?

Mr. GALLINGER. I think the question is pending before the court at the present time.

Mr. VEST. I will ask the Senator if the decisions have not been published, and have not become a part of the judicial history of the country?

Mr. GALLINGER. I think Mr. Justice Cole did deny the application for an injunction.

Mr. VEST. Was that not afterwards affirmed by the court of appeals?

Mr. CHANDLER. No.

Mr. GALLINGER. I do not so understand it.

Mr. CHANDLER. By no means.

Mr. GALLINGER. By no means.

Mr. CHANDLER. The case has not yet been heard before the court of appeals.

Mr. VEST. The decision has been made, as I understand it, and I think I can produce the record.

Mr. CHANDLER. The Senator is wrong.

Mr. GALLINGER. The decision was upon an interlocutory question, and the main question is now before the courts.

Mr. CHANDLER. My colleague will allow me to say that the application was for an injunction pendente lite, which was refused.

Mr. GALLINGER. Precisely.

Mr. CHANDLER. Now the litigation goes on.

Mr. GALLINGER. I feel a hesitancy about going into this question at length, and I shall not do so. What I shall say, I say in the utmost kindness; but it is a remarkable circumstance that certain things have taken place in the District on the question of electric lighting that are matters of history and record. I venture to say that there has been discrimination practiced during the last six months, or thereabouts, as between these two electric-light companies, that will not bear very close investigation.

By the act of June 11, 1896, making appropriations for the District of Columbia, the Potomac Company was authorized to lay conduits west of Rock Creek, and there is a provision in that same law giving the right to the United States Electric Light Company to build conduits to Washington Heights and Columbia

Heights and Mount Pleasant. Let us see how these two companies have been treated. Permits were issued by the Commissioners to the Potomac Company immediately after the date of the act for the building of the conduits in the territory west of Georgetown, and notwithstanding an application had been before the Commissioners for the extension of the conduits of the United States Electric Lighting Company to Washington Heights and Columbia Heights since November, 1895; notwithstanding that an application was made under the act of June 11, 1896, within a week following that act, that permits to build to Columbia Heights should be issued, no answer was made to that application until the 2d day of December, 1896, or, in other words, a few days before the assembling of Congress.

I want to make another statement. The Commissioners made inquiry of the United States Electric Company in July last if they would furnish twenty-four lights on H street, along which conduits were built. The company immediately replied that they could, naming a price. Nothing further was heard of the matter until about one month ago. It took the Commissioners five months to determine whether or not the proposition that they themselves had made to the electric-light company should be carried out, when the company responded that they were ready to furnish those lights; but it took them only one night to determine that permits should be issued to this new company, which was in territory on this side of Rock Creek, in my judgment, if not in violation of the law, at least in violation of the solemn statement that their officers made to Congress and to individual members of Congress, and they have been permitted to ride roughshod over Congress and over the act passed last year and over the judgment of the men who acted upon this proposition when it was before the Congress of the United States.

Mr. President, that is all I care to say to-day. I know it is foreordained that the amendment offered by the distinguished chairman of the Committee on the District of Columbia is to go into the bill. I understand substantially an agreement has been reached in that direction, and for that reason it would be futile for me to undertake to oppose it if I felt disposed to discuss the question at greater length. I shall content myself so far as the present is concerned in voting against the amendment the Senator from Michigan has offered to the bill at the present time, and as I before said, when this matter comes up in the future, as I presume it will, and when we shall have an opportunity on some other day than the seventh day of the week to discuss this entire question, I shall be pleased to join issue with my distinguished friend the Senator from New York, and I shall undertake to make it appear to the satisfaction of the Senate that this company which is now to receive from the Congress of the United States in the pending bill, if the amendment is adopted, the same rights and privileges that are accorded to the United States Electric Company, does not deserve the confidence of, or a single dollar of appropriation from, the Congress of the United States.

Mr. HILL. I regret that my distinguished friend the Senator from New Hampshire should attempt to filibuster against the adoption of the amendment.

Mr. GALLINGER. I am not filibustering, and the Senator knows it.

Mr. HILL. Mr. President, he protests too much. He already announces that it is foreordained. That is good Presbyterian doctrine, I suppose.

Mr. GALLINGER. Yes.

Mr. HILL. It is foreordained that it is to be adopted. Now, it never had been foreordained that the joint resolution offered by the District of Columbia Committee was to be passed when it was introduced, and it was because I had some doubt about its propriety as well as on the question whether it ever would be adopted that I indulged in a few observations, as my friend the Senator from Florida [Mr. CALL] always says, in opposition to the amendment.

Mr. GALLINGER. Will the Senator from New York permit me.

Mr. HILL. Yes.

Mr. GALLINGER. The Senator from New York knows very well that the joint resolution would have been adopted by a four-fifths vote of the Senate had he not filibustered against it day after day and talked it to death. The Senator knows that.

Mr. HILL. There were three days of debate on the joint resolution.

Mr. GALLINGER. The Senator occupied all that time.

Mr. HILL. I opened the debate on the first day, and I was replied to by the distinguished Senator from West Virginia [Mr. FAULKNER] on the next day, and the very next day I tried to get my friend the Senator from New Hampshire into the debate, but he now says that he was secure of having four-fifths of the Senate in his pocket ready to deliver them in favor of that bill without any argument.

Mr. GALLINGER. Oh, no.

Mr. HILL. Now, I rather doubt that statement.

Mr. GALLINGER. If the Senator will not—

Mr. HILL. Wait a moment.

Mr. GALLINGER. With the Senator's permission—

Mr. HILL. The Senator should ask my permission before he proceeds.

Mr. GALLINGER. Certainly.

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. HILL. Certainly.

Mr. GALLINGER. I have no intention of disturbing the Senator from New York except through his courtesy.

Mr. HILL. It is no disturbance whatever. We are prohibited by the McMillan bill from having any disturbance on this day.

Mr. GALLINGER. The Senator could not get up a disturbance with me if he tried.

Mr. HILL. I shall not try.

Mr. GALLINGER. The Senator knows that he will not deceive the Senate—

Mr. HILL. I am not trying to.

Mr. GALLINGER. Cunning as he is and adroit as he is as a lawyer and debater, the Senator will not deceive the Senate into the notion that he had not so announced his purpose, and that it was not his purpose to talk the joint resolution to death. He had the ability to do it. There was time enough, and he could occupy all the time, and he did occupy all the time, until the friends of the resolution saw it was hopeless to press it any further.

Mr. HILL. The joint resolution did not need much investigation; it did not need much talk. It was so thin, so transparent, so shadowy, that it simply required an inspection of it to see that it ought not to pass. There never was a time in the Senate when it could have received even a majority, much less four-fifths of the Senate. If the Senator thought it could pass, why was it not continued in discussion instead of attempting to put it on an appropriation bill?

Mr. GALLINGER. I have not attempted to put it on an appropriation bill.

Mr. HILL. Having been charged with the heinous crime of filibustering, of which, of course, in the Senate I would never be guilty, I simply rose for the purpose of repelling the suggestion, and to say that instead of feeling bad over the adoption of the amendment, the Senator from New Hampshire, in behalf of the people of the District of Columbia, ought to rise here and congratulate them that at last they are to be relieved from the odious monopoly that has existed for so many years, and that we are from this time forward, as he says, for which he seems to have great regret, to have honest, fair, and just competition.

Now, it is not for me to defend the action of the Commissioners of the District of Columbia. I am familiar with some of their actions. The Commissioners have to adapt themselves to the legislation of Congress so far as they can, and when the sentiment of Congress seemed to be in favor of an opposition gas company they were rather inclined to favor it. When it changed, they went the other way. I could, if I were not reluctant to enter into a debate on this day, take up the record and show that my friend the Senator from New Hampshire changed his opinion upon this question of a competitive light company, and his conversion was quicker than that of Saul of Tarsus. Will the Senator deny that he was at one time the champion of a new and additional company in this city?

Mr. GALLINGER. Does the Senator desire an answer?

Mr. HILL. On some other day, not to-day.

Mr. GALLINGER. Very well.

Mr. HILL. Some other day when we take up this discussion, and when my friend recovers from his disappointment, we will discuss it.

Mr. GALLINGER. I am not disappointed. I am afraid the Senator will not be here at that other day.

Mr. HILL. I will be here for three or four days, and I hope my friend will not put off the reply to me until, by reason of circumstances beyond my control, I shall not be here. I have no doubt my friend is very glad to be relieved of my presence after the 4th day of March.

Mr. GALLINGER. Oh, no; we all enjoy the Senator from New York. He is amusing.

Mr. HILL. The Senator does not act as though he enjoyed my presence.

Mr. GALLINGER. He is amusing.

Mr. HILL. In fact, he seems to be disturbed about it.

Mr. President, I rose not to debate the question, but to say that I am sorry my friend sees fit, almost solitary and alone, to oppose the amendment. I do not like some of its terms. It is not the terms that enlarge competition in the District of Columbia that I do not like. It is the terms that restrict competition, the terms that will prevent what I think the people of the District of Columbia have long wanted; and I congratulate them, and I congratulate the Senate, that from this time forward we are to have what he says—two electric-light companies competent to do business in

any part of the District of Columbia; and, instead of being a calamity and a misfortune, it will prove to be a benefit to the people of the District.

Mr. GALLINGER. A single word, and I will be ready for a vote. The condolences of the Senator from New York are accepted and appreciated. I regret personally that the Senator from New York, because of circumstances beyond his control, will not be here after the 4th day of March to discuss this question when we can debate it at length. I simply desire to add a word in answer to the felicitations of the Senator from New York to the people of the District that at length they are to have competition in the matter of electric lighting. It is a matter of a great deal of doubt in my mind whether that competition will last very long, inasmuch as this new electric-light company, which, in my judgment, is given privileges that it ought not to be given by Congress, has already made a proposition or propositions to dispose of its rights and its property to the United States Electric Light Company, which, beyond doubt, in the near future will be an accomplished fact. The efforts of the Senator from New York will simply have resulted in putting a little more money into the pockets of some gentlemen who have come here and by a great deal of cunning and artfulness have found a lodgment in the District under the name and title of the Potomac Electric Light Company.

Mr. HILL. The people are to be congratulated that it will take less money out of the pockets of the taxpayers of the city for electric-light service than heretofore.

Mr. HAWLEY. Mr. President, I can not forbear to express my great astonishment that a gentleman of so much experience in legislation and in the general business matters of the world should tell us that two electric-light companies will continue in competition, digging up the streets. It never was known and it never will be. It is perfectly well understood, an irrevocable economic law, that wherever combination is possible, competition is impossible. That was discovered long years ago in the building of railroads. These companies will not be organized one fortnight without a distinct understanding, if not a consolidation. Every experienced man, I appeal to the world, knows that to be true. What utter nonsense to suppose that our streets will be terraced and dug and trenched here continually in a race between two electric companies. It would be supreme folly on their part, a folly not surpassed except by our folly in permitting it.

Mr. HILL. That argument has been used time and time again to justify every monopoly that has been created. Since this new company has started there has been a material reduction not only in the price charged to the city but in the price that will be charged for services to citizens. It is evident now, from the very reductions contained in the pending bill, that there is to be a material reduction in price. My friend says that possibly the companies may combine. There is no way to prevent that. The natural effect of giving two companies equal privileges in a district is to reduce the price. They may combine hereafter. They may circumvent the people. It may be imagined that they will do lots of things in the future, but the general effect of having two companies having no interest with each other is to compete for service. These companies can do it, and I trust they will do it and continue to do it for the benefit of the people of the District.

Mr. HAWLEY. Just a word, Mr. President, and I will not detain the Senate further. For an illustrious example of what I was saying, I point the Senator to the West Shore Railroad in New York in competition with the great New York Central. The West Shore went into the world with high promises and with defiance, expecting to do a rival business. In a very short time it was absorbed by the New York Central; and that is the general rule. The Erie Railroad and the Central can compete with the great Pennsylvania Railroad without any danger of a consolidation because of the very different circumstances, the wide distance apart, but put them in the same county, or within 10 miles of each other, and they would not be apart a week.

Mr. HILL. The circumstance to which the Senator alludes is a fatal one to his argument. Before the consolidation rates were reduced; even after the virtual consolidation rates were reduced; they never were less than they are to-day. The general effect of competing lines is reduced rates. There may be afterwards a combination or an understanding between them.

Mr. President, it will not do to say that there must be but one railroad company through a State. It will not do to say that there must be but one electric-light company in a city, but one gas company in a city, or any other corporation that has a monopoly. I know it can be said that Congress can fix the price, but how reluctant Congress is to fix the price in case there is but one company. The price will never be any larger in the District of Columbia than it is to-day. It has been steadily reduced during the last few years. I have the record and papers here that will show it. It never undoubtedly will be raised higher than it is to-day, and I believe that the price will steadily go down.

Mr. HAWLEY. The Consolidated Railroad, a very consid-

erable corporation in New England, without any solicitation or legislation, reduced its passenger rates to 2 cents a mile. It has no competition. Competition is practically impossible on that road. The law of progress leads to reduction.

Mr. HILL. The New York Central Railroad has competition with two other railroads that run from New York to Buffalo and from there to the West. There is competition with this railroad. Competition is desirable. The same argument the Senator makes would vindicate and defend every trust made in the land against which we have protested in party platforms and against which we have protested in petitions and in speeches here in this Congress.

Mr. President, competition is desirable. There may not always be competition, or honest competition. Corporations may combine; that is all true; that is unavoidable in a free country like this; but after all it is for the benefit of the people that equal privileges should be afforded to corporations having facilities to transact the business of this country, such as electric lighting, gas companies, and so on. I trust the time will come when the people of the District of Columbia will realize the full benefit which they ought to realize and which I believe they will realize from the very step appropriately this day taken.

Mr. GALLINGER. A single word further, Mr. President, and I have done. It is a matter of history that the United States Electric Light Company seven different times made voluntary reductions in price, and it is a matter of history that there is not on record one single petition or alleged grievance against that company by any citizen of this great District.

Mr. HOAR. Are not their rates controlled by statute?

Mr. GALLINGER. Certainly. But as against the gas company there were protests; there was a loud clamor. The Senator from New York can not find on record a single complaint that was ever lodged against the United States Electric Light Company either as regards its service or the price that was charged for the product.

Mr. HILL. Does the Senator forget that I, a short time ago, presented a petition of a thousand citizens of this District?

Mr. GALLINGER. Yes; in favor of the Potomac Electric Light Company.

Mr. HILL. In favor of the Potomac Company, which desired a contract. Here are 82,000 people on the other side of this Capitol who are substantially without electric lights. I had a conversation with the owner of a block right within a stone's throw of the Capitol, while this question was pending, asking that we would permit this company to place conduits so that they could be supplied. There was a demand by the people of the District of Columbia to have it, and I trust they will get it under the provision.

Mr. GALLINGER. I trust the Senator will get permission before he makes a speech at my cost.

Mr. HILL. I trust I am not costing the Senator anything.

Mr. GALLINGER. That may be true. Yet it is a fact that conduits have been permitted to be laid by this new company within a few weeks for more than a mile, for more than 2 miles, from the city of Washington, and reached a point that the old company could have reached by extending its conduits 20 rods. Yet the Commissioners gave a permit to this new company as against the old company, and streets have been torn up in that way. We are situated a little differently here from some other localities in the country. Congress has absolute power to regulate the price that shall be paid for electric lights and for gas and for every other service that is rendered to the people of this District. When the Senator from New York says that this company has reduced the price of electric lights, I want to call the attention of the Senator to the fact that, while this company has made a proposition to furnish lights cheaper than the old company did, the District Commissioners have permitted this company to put in their lamp-posts so near together that it costs more to the city to light a street by the new company than by the old company.

Mr. VEST. I will ask another question, if the Senator will permit me.

Mr. GALLINGER. With pleasure.

Mr. VEST. I am as anxious to get a vote as anybody, but since the matter has been gone into I should like to ask a question. It has been asserted here by the Senator from Connecticut [Mr. HAWLEY] and the Senator from New Hampshire [Mr. GALLINGER] that there will be no reduction of the cost of electric lighting in this city, and it is not proposed to reduce it.

Mr. GALLINGER. I never asserted that.

Mr. VEST. At any rate, the tendency of the argument is that there will be no reduction.

Mr. GALLINGER. No; the tendency of it is that there will be a reduction, because Congress can absolutely control it.

Mr. VEST. Very good. Now here is a provision submitted by this Potomac Company to insert in the District appropriation bill as section 3 that hereafter no electric-light company in this city shall charge more than 75 per cent of the price now charged for electric light. Now, we are bound to assume that this company, if it comes with such a proposition to Congress, will be

bound by it in the future. There is a reduction of 25 per cent at once.

Mr. GALLINGER. Which Congress could have brought about if they had prohibited the tearing up of our streets for 9 or 10 miles and put just that provision in the appropriation bill controlling the old company.

Mr. VEST. The streets are in the same condition they were; and here is a proposition submitted by the House of Representatives which must be passed on by the Senate. I am curious to know why we do not incorporate in the present amendment the third section of the House bill. My friend from West Virginia [Mr. FAULKNER] says it comes in the District bill. If it does, I hope the Senate will prove that it wants to reduce the price of these electric lights by accepting that third section, which would bring down the price to the people of the District who are consumers 25 per cent.

Mr. FAULKNER. Will the Senator permit me to say a word?

Mr. GALLINGER. With pleasure. I am always glad to hear the Senator.

Mr. FAULKNER. I have listened to this controversy for some time. I am one of those men who, when I am in a fight, am ready to fight when there is anything to fight about; but there has been a sort of understanding here that this amendment would be agreed to, therefore there is no contest over it; and there being no contest, I do not want to fight when there is nothing to fight about. I do hope we may be allowed to come to a vote.

Mr. GALLINGER. The Senator from West Virginia is speaking in my right, and hence I feel at liberty to ask him who made this agreement?

Mr. FAULKNER. I was asked to look upon, to examine it; I said I would make no objection; and half a dozen other gentlemen said they were satisfied with it and thought it had better be made; and as that seemed to be a general understanding, there is no use to take up the time of the Senate on this question, but let us come to a vote and discuss this whole question on the District bill upon a secular day, as the Senator from New York says.

Mr. McMILLAN. Mr. President, I should like to say a word. This amendment was offered by me, and I have tried to harmonize all the different interests here. The Senator from New Hampshire was not consulted, but I did not suppose he would object to it. Conduits of two companies are now laid in the streets. They are there, and the amendment simply recognizes the fact that they are there and allows connections to be made with them. No extensions are allowed until Congress shall take action. This amendment was offered on my own responsibility. It has not the sanction of the District Committee as a committee. There is now no authority lodged with the Commissioners to allow house connections with the overhead or underground wires of the United States Electric Lighting Company, or with the conduits of the Potomac Electric Power Company. Such authority is proposed in the interests of the people of the District. If the conduits of the Potomac Company shall be declared illegal by the courts, this proposed legislation will have no effect on the legal status of the question. I would say also that the amendment just offered has been prepared without consultation with anyone aside from members of the Senate. Representatives of neither of the electric-light companies have seen the amendment.

Mr. GALLINGER. I will say for myself that I did not expect to be consulted, and I do not care whether I was consulted or not. My impression is that one of these electric-light companies was consulted and the other was not. That is my impression. But however that may be, I do not assent to the proposition that when Congress has absolute power over every corporation in this District, when Congress is legislating for this great city, we ought to permit rival companies to come in here and tear up our streets on the ground of economy, or on the ground of furnishing any product cheaper than one company would furnish it. If the argument is worth anything in favor of the Potomac Electric Light Company, it would be equally as potent if another company came in, or another, or another; if ten more should come in, the same argument could be used. If a third company should come here and say we will furnish light a little cheaper than the Potomac Light Company, perhaps then the Commissioners of the District would rush to the rescue of that company as they did to the rescue of the Potomac Electric Light Company, and let them go to work and tear up the streets to install another electric-light company in the District of Columbia. I do not assent to that argument. Congress has absolute control over every corporation chartered by Congress, and Congress can determine absolutely and irrevocably the price that will be paid for electric lights or gas lights or any other service that any corporation supplies to the people of this District under the charter rights that they receive from Congress.

Now, Mr. President, this is all I care to say. I presume I stand substantially alone on this proposition, but there will be the same comfort to me in voting against this amendment that there will be for the distinguished Senator from Michigan and the Senator from New York and the Senator from West Virginia in voting

for it. They were consulted; I was not. I did not expect to be consulted, but I simply wanted to enter my protest against this kind of legislation that gives to a company that came in here under the circumstances that this company did, and that has left our streets in the condition they are to-day, the same rights that the company has that has been doing service to these people for a great many years, the stock of which is held by the plain people of this District, and whose rights ought to be protected by the Congress of the United States.

The VICE-PRESIDENT. The question is on agreeing to the substitute submitted by the Senator from Michigan [Mr. McMILLAN].

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The next amendment of the Committee on Appropriations was, on page 7, after line 10, to insert:

That the sum of \$325,000 is hereby appropriated to enable the Secretary of the Treasury to acquire, for and in the name of the United States, the real estate, with the improvements thereon, known and designated as original lots numbered 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., containing 17,733 square feet, more or less, fronting on Pennsylvania avenue and on Seventeenth street, being the property of the Corcoran Gallery of Art. Said Secretary is directed to acquire said property by purchase from the owner, at said sum for use by the Court of Claims, the title to be approved by the Attorney-General.

Mr. VEST. Mr. President, I shall make no apology for calling the attention of the Senate to this appropriation. I understand that it came from the Committee on Public Buildings and Grounds, of which I am a member; but it never was adopted in any meeting of that committee, and if assented to by a majority of the committee it was under the reprehensible practice of polling members upon the floor, a practice which ought to cease, in my opinion, at once.

Now, it is proposed here to take \$325,000 out of the public Treasury to buy the old Corcoran Art Gallery building. I hope it is hardly necessary for me to say that I am in entire sympathy with the objects of that institution, and that no man reveres more the memory of Mr. Corcoran than myself; but it is a very distinct proposition as to the nature of the building and the appropriation of this large amount of money in the present condition of the Treasury.

It is stated in the amendment that this money is to be appropriated to the purchase of this building, in order to erect upon it a building for the Court of Claims. The United States to-day owns the most beautiful lot in this city, unoccupied, upon one end of which is the Attorney-General's Office, next to the new opera house, in front of Lafayette Park. We purchased that property some years ago from the Freedman's Bank for \$250,000. It is immediately contiguous to the Treasury Department, to the Attorney-General's Office, and the State, War, and Navy Departments. Why should we take \$325,000 and buy another lot upon the same street when we have this unoccupied ground, far superior in every regard to the site of the present or the old Corcoran Art Gallery?

Have Senators examined into this question? Do they know that it is proposed to sell us this ground for about \$21 a foot? The old building that is there to-day is absolutely unfit for a court edifice. It has a mansard roof—an old fire trap that must be got rid of at once. The whole building must be remodeled. It was built specifically for an art gallery. There is not a room in it that can be adapted to the purposes of the transaction of the business of a court. Twenty-one dollars a foot for that property! I undertake to say that we can buy property in the vicinity of the new Corcoran art building for \$1.50 a foot, certainly for \$1.75, for it has been offered to the Government at that, and it will be just as good a site either for a hall of records or the Court of Claims as the site of the old Corcoran Art Gallery. I repeat, why should we purchase it, when we have this splendid lot more contiguous to the Departments and to the center of business in the city, the finest lot now that belongs to the Government, and peculiarly adapted for a building to be occupied by the Court of Claims?

I have looked into the records of the Committee on Public Buildings and Grounds and amongst my own papers to see if I could not produce to the Senate the written or printed proof that this building was offered to the Government for \$375,000 within less than a year. I quote from my memory, as a member of the Committee on Public Buildings and Grounds, when we heard the trustees of this institution, gentlemen of eminent character, for whom I have great respect and who are my personal friends. It is my recollection that they asked us \$275,000; I am certain it was not exceeding \$300,000; and now it is proposed to unload that ground, which is no longer needed by this splendid institution, the Corcoran Art Gallery, upon the Government of the United States. If we are to practice any sort of economy, most unquestionably here is an opportunity to do it. It is too much the fashion in this District, whenever a piece of property can not be turned over to anybody else, to put it upon the people of the United States and upon their Treasury.

We have to-day hundreds and thousands of feet of unoccupied ground. I have advocated for the last eighteen years, since I have been a member of the Senate, the purchase of eligible sites for public buildings before the property largely advanced in value. I am glad to say that in one or two instances I have succeeded, and in none more conspicuously than in having a humble part in purchasing from the Freedman's Bureau the piece of property upon which the Attorney-General's Office is now located.

We have been lectured somewhat to-day in regard to the jurisdiction of the committees of this body. The question has lately been before us in regard to the sphere of action of the Committee on Commerce and that upon Appropriations. This very proposition has been pending before the Committee on Public Buildings and Grounds for two years and a half. We are now examining into it, and have been looking at eligible sites, particularly for a hall of records and the Court of Claims. Why is it now taken away from our committee and put in this appropriation bill by a committee that certainly could not have examined into all the details? We have had hearings from these trustees. I have gone in person and looked at different pieces of ground that were offered to us for a hall of records and the Court of Claims; and all at once I am confronted, without notice, with this appropriation, which forestalls any action that could be taken by the Committee on Public Buildings and Grounds, and is to take out of the Treasury \$325,000.

Mr. President, even upon the Sabbath day I make no apology for bringing these facts to the attention of the Senate. I sympathize somewhat with the lacerated conscience and the tender, religious sensibilities of the Senator from New York and the Senator from New Hampshire; but I console myself that I am not responsible, if it be a desecration, for the business in which we are now engaged. If I had consumed the time of the Senate upon secular days with long orations upon impertinent issues that were not before the Senate, I should feel that I had been false to my Presbyterian education; but as I have not been, I take it for granted that what we are doing now is covered by those words of the Holy Text, that works of necessity are justified, even upon the holy Sabbath. And more than that, I happen to have seen in this bill, on page 126, a religious appropriation. The Senator from New York overlooked it. We appropriate in the bill \$2,000 for the Red Cross Society, which is soon to meet in international conference at Vienna, in Austria. If this bill should fail, that appropriation for a work of holy charity would be defeated. More than that, I am informed by the Senator from Pennsylvania [Mr. QUAY], and it may be a matter of consolation to the Senator from New York, that he proposes to signalize this day by calling upon the Senate to pass the Little bill, which prohibits the use—not the sale, but the use and the giving away—of intoxicating liquors within the Capitol or upon the public grounds. If we can pass that measure, I hope that it will heal any religious wounds that are inflicted by the work in which we are now engaged.

Mr. GEAR. Mr. President, the Senator from Missouri remarked something about the report of the Committee on Public Buildings and Grounds. I had the honor of being a member of that committee, and was a member of the subcommittee in connection with the Senator from Montana [Mr. MANTLE]. We reported the bill to the Committee on Public Buildings and Grounds. They in turn adopted the report we made and recommended the purchase of this ground. In compliance with the request of the chairman of that committee, I polled the Committee on Public Buildings and Grounds in the absence of the Senator from Missouri. The Senator at the time was in the West.

A word as regards the value of this property. I made some investigation as to its value and also as to the kind of property. I think the Senator from Montana and myself went through the building from top to bottom. It is one of the best constructed buildings in the city of Washington. It is perfectly fireproof, with the exception of the roof. I admit what the Senator from Missouri says, that it needs a new roof or some addition certainly to make it more fireproof, but when it is perfected and completed, which can be done with a small amount of money, the building will be as well adapted for the purposes proposed as any building in the city. I hope the amendment will be adopted.

In reply to the statement of the Senator from Missouri, that he thought this building had been offered to the Committee on Public Buildings and Grounds for a less sum, I will state that I have been on that committee for a number of years, and the property has never been offered to the committee for less than \$350,000, not \$275,000.

Mr. ALLISON. There were two things which pressed themselves upon the Committee on Appropriations as to this purchase. The first was that the Attorney-General came to us, not once, but more than once, insisting that we must immediately provide somewhere for a building for the Court of Claims; that the situation of the business in the office of the Attorney-General was such as to require the rooms now occupied by the Court of Claims, and he expressed himself as absolutely impartial in respect to this recom-

mendation because he soon expected to retire from office. We inquired of him what amount should be appropriated for the rental of a suitable building, and he said, after he had made considerable inquiry upon the subject, that a suitable building could not be rented for less than \$10,000 per annum.

Then there came from the Committee on Public Buildings and Grounds this amendment proposing \$350,000 for the purchase of a building from the trustees and guardians of the Corcoran Art Gallery, which is the result of the beneficence of the late Mr. Corcoran, of this city, who had given a very large sum of money for its maintenance and support, in addition to giving to it the building and grounds which we are about to purchase.

The Corcoran Art Gallery is as much dedicated and devoted to the educational interests of the people of the United States as is the Congressional Library, upon which we have expended \$6,000,000; it is more open to the public, and has been all the time. Three days in the week the people who come here can get into that gallery free, and at other times at a very small expense. The trustees of that institution have erected a new structure which has cost over \$700,000, without including the cost of the ground upon which it is erected. In that building is a large space for those who wish to engage in the study of art, and it is all free to them.

Now, I submit that, although the Committee on Appropriations reduced the purchase price of this building to \$325,000, it is hardly worth while for us to say that we are paying \$5,000 or \$10,000 too much, even if we are. This building is adapted to the use of the Court of Claims, and it may be used by some other bureaus or offices of this Government. It is located on a valuable piece of land, well situated, in close proximity to three or four of the great Departments of this Government. It is land that we must have and will have in the near future.

The illustration made by the Senator from Missouri as to the part he took in the purchase of the old Freedman's Bank building is an illustration of what I say. I was a member of the Senate when we had a very similar debate as to the purchase of that building, when the arguments of the Senator from Missouri were wholly upon the other side. That building belonged to the creditors of the Freedman's Bureau, to the people who had deposited their small savings in the Freedman's Bank. It was said on this floor over and over again that the \$250,000 we paid for that building was an extravagant price and far beyond its value, and yet property in that vicinity has so appreciated that the Government could realize from it, if it would sell it, more than twice the sum paid.

I argued here five years ago for the purchase of a piece of property adjacent to the building now occupied by the Attorney-General's Office, when it could have been bought for \$90,000, and I was met with the same argument that is now made by the Senator from Missouri, that that was an exorbitant price; that it was favoritism to some people who lived in this District, who were obliged to sell it. That property, within six months of the time of that argument here for its purchase, was sold to a private person for \$125,000, who is receiving now an annual rental from the building of \$6,000, and yet it was an essential part of the public property we own on the corner of Pennsylvania avenue and Lafayette square.

So, Mr. President, the Committee on Appropriations, believing that it was a wise thing at this time for us to acquire this property—not only for the benefit of the Government, but as in some way relieving a great institution of art in our city from the embarrassments under which it labors, because of the enormous expenditure it has recently made in the construction of a new building—favored this amendment. That is all there is about it.

Mr. VEST. Mr. President, the Senator from Iowa, of course, did not mean to suppress the fact that the principal objection to the purchase of the ground upon which the Lafayette Opera House is now located, immediately contiguous to the Attorney-General's Office, was a defect in the title. That was the argument made, and no lawyer in this Senate was able to answer it. It might have been that there was not a great deal in that defect, but it existed, and it was not thought by a large portion of us, as trustees for the Government, that we ought to put the money of the people of the United States in any title that had any defect at all.

But I will state to the Senator that I myself introduced in the Senate years before that a bill to purchase that same property when it was offered to us at \$65,000, and before Mr. Blaine purchased it, but I could not get the Senate to pass that bill. It has been sold since for \$100,000, and the defect in the title still remains, but is considered of very little importance by the present owners.

My friend from Iowa attempts to draw an analogy between this case and the purchase from the Freedman's Bank of the property upon which the Attorney-General's Office is located. The cases are entirely different. In the first place, there is no such property in the city of Washington, at least upon that street, in point of beauty, in point of location, in point of contiguity to the center of

business of the town and the large Departments as the lot upon which is located the Attorney-General's Office. It is infinitely superior to the lot upon which the Corcoran Art Gallery building is located.

When the Senator speaks of the object of the Corcoran Art Gallery, he can not say anything in that behalf that I would consider exaggerated. As I said in the beginning of my few remarks, nobody can possibly have a greater regard for the memory of Mr. Corcoran and for the munificence and bounty which he exhibited in that and other acts of his life than I have. I was his personal friend; I loved him; and there was no more sincere mourner at his tomb than myself.

But, Mr. President, the Corcoran Art Gallery is one of the most munificently endowed institutions in the United States. Mr. Corcoran was not only a man of large heart and brain, but of large means, and every institution that he endowed was munificently endowed against the possibility, almost, of pecuniary liability or disaster in the future. No appeal can be made to the Senate to buy that property because the Corcoran Art Gallery is indigent. They have just put up for seven or eight hundred thousand dollars a beautiful edifice, and did it with money that has accumulated from year to year in their hands upon the amount which Mr. Corcoran originally gave for that purpose.

How was it in regard to the Freedman's Bank Building? Mr. Bruce was then a Senator from Mississippi, a colored man, and the only one in the Senate—a gentleman, an honor to his race, a man who I am proud to call my friend. I was associated with him, our committee rooms were contiguous, and I know him well. He appealed to me and to other Southern Senators to take the assets of the old Freedman's Bank, all that were left to that poor, oppressed colored race, whom I know as well as any man living, and pay them \$250,000, all that the poor, ignorant depositors would ever get. Why, Mr. President, who could have resisted that appeal. I would have paid, I confess, more than the property was worth under the circumstances that surrounded that case, but it was the best purchase that this Government ever made.

I do not claim credit for myself, because I followed the venerable Senator from Vermont [Mr. MORRILL], and my conduct in the matter—for I was then comparatively a young Senator—was simply as his adjutant-general, proud to fight under such a leader in such a cause.

I would not say one word in this Senate against this proposed appropriation if it could be tortured into opposition to the object of Mr. Corcoran's bounty or into a reflection upon his memory; but we are here confronted with the proposition to pay \$21 a foot for that property when it is not worth it.

Mr. ALLISON. Eighteen dollars a foot.

Mr. VEST. I have talked to real estate dealers and owners of property in the vicinity, and they estimate it at about \$21. The improvements I count for nothing.

Only the Senator says that that building can be made into a court building. I beg, with great respect, to differ from him. It never was intended for a court building. The upper portion of it is an old fire trap with a mansard roof, condemned in architecture and condemned by the insurance companies. Take the roof off, and then you have got the walls, and even if they were thick enough, you would have to remodel the whole of the interior. Who that has had any experience in building does not know that the expense of pulling down an old structure like that and remodeling it is the worst sort of economy. And if we are to put up a building for the Court of Claims, it should be worthy of the Court of Claims and worthy of the Government of the United States. That house will never do for any such purpose.

But I appeal to the Senate not to make this appropriation, because I state, as a member of the Committee on Public Buildings and Grounds, that we are in anxious consideration and consultation upon this very question. We are to provide sites immediately for two buildings. We have passed four times in the Senate a bill to purchase a site for a hall of records, absolutely needed by every Department of the Government, and it is criminal negligence to put it off any longer. Every head of Department has reported that there must be such a hall. In the Quartermaster-General's Department there has been a fire twice, imperiling the records of this Government, which are invaluable; yet we have been unable, for some reason or other, in fifteen years to meet this exigent demand from the heads of the great Departments of the Government. I have reported that bill four times from the Committee on Public Buildings and Grounds unanimously, and it has unanimously passed the Senate four times, and yet we have not been able—it is not our fault, but the fault of the coordinate branch of Congress—to agree upon a site. We must have a site for a hall of records. That is a pressing demand upon us. The Court of Claims can wait a little while, but I grant that there should be a proper edifice for that court.

This property is too high. I have been told by property owners in the vicinity, who would certainly be interested in the Government making the purchase, that they were willing to sell their

property, just as good, for a great deal less—I am afraid now to name the amount, because I might do injustice, but my impression is for \$16 or \$17 a foot.

I ask the Senate to let our committee dispose of this matter. We have not been derelict in our duty. We have endeavored, under all sorts of obstacles, to meet this demand for great public buildings in Washington, and it is not our fault if our bills have not been passed.

I will tell the Senator from Iowa—and I think he will recognize the truth of it—that the trouble with obtaining room for the Government of the United States in these Departments lies in the administration of the Departments. As soon as we put up a building, every head of a bureau wants eight or ten rooms for his bureau and two or three for himself. They are not satisfied to put four or five clerks, as should be the case, in a single room, and they never are put there until by the increase of business the space becomes so contracted that they are obliged to do it. If you put up any building, like the new post-office building, then every head of a bureau wants to take a floor; the head of the Department accedes to it; and you will find in that building, when it is finished, one man occupying a room, and, at the most, two men. The result is that we are constantly in need of room; and, if we were to continue to buy almost ad infinitum under the different administrations of the Departments, you would find the same trouble.

All I ask is that you give our committee time to consider this matter, and for one, as a member of that committee, I pledge to the Senate my word that we shall dispose of the subject at the earliest day possible in consonance with the best interests of the country.

Mr. TELLER. I should like to ask the Senator from Missouri if he will designate any building which is occupied by Government officials which has not more than one man in a room?

Mr. VEST. I do not know that I can, because they are all old buildings, except the new post-office, and now they are clamoring to put different bureaus of the Government into that building; and it has been suggested lately that the General Post-Office Department be moved into it.

I had something to do with the purchase of the ground on which the new post-office building stands and with the drafting of that bill. It never was contemplated to put the General Post-Office there. Our idea was to put the city post-office there, and possibly the Court of Claims or some bureaus of the Government, if there turned out to be sufficient room. But now the city post-office is demanding one-third more room than was contemplated at the time we commenced the construction of the building.

What I said in regard to the officers of the Departments is simply that when we erect a new building the rooms are not so distributed with reference to the business of the Department as they should be, and the result is that there is constantly a clamor for more room.

Mr. TELLER. It is notorious that the Post-Office Department has been for many years very badly housed and very badly crowded. It has been obliged to hire buildings outside at a great deal of expense. It is an equally notorious fact that the Interior Department for the last twenty years has been overcrowded, crowded to a shameful degree; crowded so that it is unhealthy for the occupants, there being in many of the rooms twice as many people as there ought to be; and the records have been removed from the rooms, where they properly belong, and placed in cases in the corridors. In every way those Departments have been crowded, and they are clamoring for more room. Both the Interior Department and the Post-Office Department are occupying rooms outside of the Department buildings, when they ought all to be housed under one roof.

I do not know but that there may be somewhere some official building of the United States that is not so crowded, but, so far as my observation goes, every building is as full as it ought to be, and some contain twice as many people as they ought to contain.

Mr. VEST. I do not think the State, War, and Navy Departments are crowded.

Mr. TELLER. I would not state so certainly of those, but I have never myself seen any large room occupied by one clerk, although such a thing may exist in those buildings; but I do know that both the Interior and the Post-Office Departments have been very badly crowded for the last twenty years.

Mr. VEST. That is true.

Mr. TELLER. And I know also that the Interior Department, if allowed to occupy both the Post-Office Department building and the building the Interior Department now occupies, except the outside rooms, which are rented—if those two buildings were turned over to the Interior Department, which is situated on F street, the Post-Office and the Interior Department building, the Interior Department would occupy every room in both and not have any waste rooms.

If the Government does not want to use the old Corcoran Art

Gallery for the purposes of the Court of Claims, there are a number of commissions and other Government bureaus which occupy rented buildings, which the Government could put in that building.

I myself would like to see the Government erect a good court building for all the courts, but there will be plenty of time for that after we buy this property.

Mr. MANTLE. I desire simply to say, Mr. President, that I was one of the subcommittee, acting with the junior Senator from Iowa [Mr. GEAR], who were appointed by the Committee on Public Buildings and Grounds to examine the building in question and make report to that committee. In company with the Senator from Iowa, I visited the building. We inspected it very thoroughly, going all over it, and after making numerous inquiries relative to the value of that property and of adjacent property, and after hearing the statements of people engaged in the real estate business in the city, we arrived at the conclusion that the price named in the amendment would be a very reasonable price for the property. It was our opinion, after such investigation as we were able to make—I am speaking as a layman of course—that suitable changes could be made without any great outlay of money, and that the building could be made suitable for a hall of records. So, Mr. President, we reported to the Committee on Public Buildings and Grounds in favor of the purchase of the old Corcoran Art Gallery at the price stipulated, to wit, \$325,000.

I have nothing to add to that except to say that, in my judgment, after this investigation, it is a desirable piece of property for the Government to own at that price. It is located in an splendid quarter, adjacent to other Government buildings, and, from the very fact of its location, it must increase in value as the years go by.

Mr. VEST. Do I understand the Senator to say that the subcommittee reported to the Committee on Public Buildings and Grounds?

Mr. MANTLE. My impression is that we made up a report, but I do not think there has been a meeting of the Committee on Public Buildings and Grounds this winter. There have been one or two abortive attempts to secure a meeting.

Mr. VEST. We have had meetings, but this question was not reported to our committee, and there never was any consultation about it; but, as the Senator from Iowa [Mr. GEAR] stated, he polled the committee on the floor of the Senate.

Mr. MANTLE. I think that is true; but the report was made by the subcommittee, and the poll of members on the floor was based upon it.

Mr. VEST. But that report was never considered by the Committee on Public Buildings and Grounds.

Mr. MANTLE subsequently said: I want to recur for one moment to the subject of the Corcoran Art Gallery. I knew that a report had been made, but I could not lay my hand upon it at the time I discussed the matter, and I should like very much to have three or four letters from competent real estate dealers in the city, which were used at that time, incorporated in the RECORD with my remarks, so that they may be read. They bear directly upon the question of the value of the ground immediately surrounding the site in question.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

WASHINGTON, D. C., March 6, 1896.

DEAR SIR: Answering your inquiry, we would say that in our opinion lots 5, 6, 7, and 8, square 167, belonging to the Corcoran Gallery of Art, containing 17,733 square feet of land, and situated on the northeast corner of Pennsylvania avenue and Seventeenth street, are fully worth \$20 per square foot, or \$354,660, exclusive of the improvements.

The buildings upon these lots are substantial, and even at this day handsome ones, which we understand cost upward of \$200,000 to originally erect. Their value to a prospective purchaser would, however, depend entirely upon whether they could be advantageously used, and could therefore not be estimated by us.

In connection with our valuation of this property it may be of interest for you to know that we are holding for sale the corner of Pennsylvania avenue and Jackson place—same square—at about \$27 per square foot.

Very truly, yours,

THOS. J. FISHER & CO.

S. H. KAUFFMANN, Esq.,

President Corcoran Gallery of Art, Washington, D. C.

MARCH 6, 1896.

DEAR SIR: In reply to your inquiry in relation to the value of the land upon which the Corcoran Art Gallery is built, I will say that it is on lots 5, 6, 7, and 8, square 167, in this city, and I consider \$380,000 a fair price for it, independent of the building.

Very truly, yours,

Mr. S. H. KAUFFMANN, Washington, D. C.

B. O. HOLTZMAN.

WASHINGTON, D. C., March 26, 1896.

DEAR SIR: In answer to the question what, in my opinion, would be a fair price for the Government to pay for the present Corcoran Gallery property, to be used for public purposes, I beg to say that I would regard \$375,000 as a conservative valuation.

Very truly, yours,

S. H. KAUFFMANN, Esq., City.

MYRON M. PARKER.

WASHINGTON, D. C., March 17, 1896.

MY DEAR SIR: In reply to your inquiry of this date, as to the value of the Corcoran Art Gallery property, corner of Seventeenth street and Pennsylvania avenue, I have to say that I regard the property as worth for public purposes anywhere between \$400,000 and \$500,000. It is, as is well known, a building of special character and adapted only for the purposes for which it is now used or for the use of the Government. I understand you contemplate the sale of the property to the United States, and certainly there would be very little hesitation in the minds of any Senator or Representative in voting for the purchase of this property, the proceeds of same to be used for the benefit of the public, not for the people of Washington, but more largely for visitors from all parts of the Union.

I will be glad to furnish any further information you may desire.

Sincerely, yours,

S. H. KAUFFMANN, Esq.

B. H. WARNER.

Mr. CALL. I wish to make one remark only. If it was a wise and proper consideration, as stated by the Senator from Missouri [Mr. VEST], to buy the building belonging to the Freedman's Bureau and give an increased price for it, it is equally wise to purchase the Corcoran Art Gallery and give an increased price for that. If it is a public consideration to benefit the depositors in the Freedman's Bank, it is equally a public consideration to appropriate this money, which will be applied to the education of the American people in perpetuity in the higher branches of art, furnishing them employment and the means of earning a comfortable living and contributing to the advancement of human learning.

For that reason, and because this money will be a perpetual benefit to the advancement of mankind in learning, I shall vote for the amendment.

Mr. VEST. I distinctly stated, if the Senator will permit me, that the Freedman's Bank property was exceedingly cheap and the best purchase that this Government ever made; and I stated that this property is exceedingly dear.

Mr. CALL. Mr. President, cheapness does not contribute much in the question when it is a question of the advancement of mankind in progress and learning.

Mr. VEST. When I am engaged in that business, I think I will be as liberal as the Senator from Florida, but I am now engaged in the consideration of the expenditure of money for real estate by the United States Government.

I raise the point of order on the amendment that it is general legislation.

Mr. BACON. Before the point of order is submitted to the Senate or ruled upon by the Chair, I should like to ask the Senator from Missouri, as he said he had been consulting with real estate agents in regard to this matter, what, according to his best information, is the proper value of this property?

Mr. VEST. I think in the present state of the market, which is as low as it possibly can be in this city and elsewhere, fifteen or sixteen dollars a foot would be a liberal price for this property.

Mr. BACON. What would the total amount to at that price per foot?

Mr. VEST. I can not state exactly. I do not recollect the exact number of feet, but I think it would amount to in the neighborhood of \$280,000. That would be an exceedingly liberal price for it. I do not want to do anybody injustice, but my recollection is that a gentleman proposed to sell us the property, I am pretty certain, for a sum not exceeding \$300,000, but the market has gone down since. I have been told by gentlemen who own property in the vicinity, with whom I have talked about this matter, and whose names I could give to any committee, that they would be very glad to get \$17 a foot for property that is just as eligibly situated and right in the immediate vicinity of the Corcoran Art Gallery.

Mr. MANTLE. May I ask the Senator from Missouri if in computing the price of the ground he makes any account for the building at all?

Mr. VEST. Very little, to be frank, because I have endeavored to state to the Senate that I thought all that could be used of the present building would possibly be the outer walls, if they were in a condition in which they could be used, which I doubt very much. The whole building must be remodeled. It is utterly unfit for the purposes of a court of justice; it was built for a specific purpose, for an art gallery.

I have had some little experience—not a great deal—in regard to old buildings. If I wanted to build on a lot containing an old building, I would tear down the old one and not even use the materials contained in it in the new one. When you come to remodeling an old building, it is just like an old wagon that has got to be repaired—you had better give it away and buy a new one.

Mr. ALLISON. As I understand the Senator from Missouri has made the point of order on the amendment, I desire to state the exact condition of the amendment. It is an amendment to provide the Court of Claims with a place for its sittings, and therefore it is a public purpose.

Therefore it is a public service. It is in lieu of the estimate which provides for the rent of a building for the Court of Claims. It is the judgment of the committee as respects that subject,

It is a public purpose in view of the statement made by the Senator himself, who says that the subject has been before the committee for more than a year.

Mr. HOAR. Will the Senator allow me? It seems that if anything could be an appropriation to carry into effect existing law it is an appropriation for a court.

Mr. ALLISON. Yes. I thank the Senator for stating more tersely than I did the exact purpose of the amendment. So that, so far from its being out of order, it is absolutely in order, as much as it is in order to provide money for the rent of any of the great public departments of this Government, which we do every year to the extent of \$130,000 or \$140,000.

The PRESIDING OFFICER (Mr. CHILTON in the chair). In view of the construction which has prevailed here, the Chair overrules the point of order.

Mr. MILLS and Mr. ALDRICH. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLS. I believe that concludes all the amendments of the committee.

The PRESIDING OFFICER. There is a committee amendment on page 91.

Mr. ALLISON. There are one or two other reserved amendments, and I desire to offer one or two amendments from the committee.

The PRESIDING OFFICER. The Chair is informed there is an amendment on page 91, which will be stated.

The SECRETARY. After line 6 on page 91 it is proposed to insert:

The officer of the Coast and Geodetic Survey detailed to serve on the board to locate a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, which board was created by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 3, 1896, United States Statutes at Large, page 213, shall receive from the appropriation in said act provided with relation to said harbor, in addition to his mileage provided for in section 1596 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper.

Mr. FRYE. That is all right.

The amendment was agreed to.

Mr. ALLISON. I ask the Secretary now to state the next reserved amendment.

The SECRETARY. On page 54, after line 5, it is proposed to insert:

To enable the Secretary of the Treasury to continue the scientific investigation of the fur-seal fisheries of the North Pacific Ocean and Bering Sea, authorized by joint resolution approved June 8, 1896, §5,000, or so much thereof as may be necessary during the fiscal years 1897 and 1898; and all the provisions of said public resolution of June 8, 1896, are extended and made applicable to the fiscal year 1899.

Mr. MILLS. Will not the Senator from Iowa allow me to have my amendment adopted now? He has no objection to it, and there may be objection to others, which will lead to debate, or something of that sort.

Mr. ALLISON. I should be glad to serve the convenience of the Senator, but I think nearly every Senator about me has an amendment, and I should prefer, if it is agreeable to the Senator, to consider the committee amendments first and get them out of the way.

Mr. MILLS. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. PETTIGREW. Mr. President, I do not believe we ought to continue this commission and again send a party of scientific men to Alaska for the purpose of viewing the destruction of our property by the Canadian seal poachers. It seems to me that has gone on long enough, and that unless we propose to deal summarily with the matter we had better abandon it altogether.

The fact is that in 1893 we submitted to arbitration the questions involved in a dispute with Great Britain in regard to protecting the seal fisheries in Bering Sea. The tribunal met at Paris, and after considerable discussion we were defeated on every proposition which was presented, and the tribunal finally formulated a series of provisions for the protection of seal life. Those provisions have entirely and utterly failed to accomplish their purpose. It was provided that no seals should be killed in the open waters of Bering Sea nearer than 60 miles to the islands, and it is well known that the seal herd visit the islands every season for the purpose of rearing their young, and that while the young are upon the rookeries their mothers fish in the surrounding waters. It is now shown that the fishing banks are more than 60 miles from the islands, and therefore the provisions of the Paris Tribunal afford no protection whatever.

The consequence is that sealing vessels, ships fitted out for the purpose, capture these animals in the water. The ships visit the waters every summer and kill the mother seals. The result is that we are spending large sums of money in sending men to watch the destruction of this property, and we receive no revenue

whatever from the islands—no revenue whatever from the lease of these islands. We are expending about \$400,000 a year to patrol the waters of Bering Sea and to send commissions there to look on while this work of butchery is performed.

The House of Representatives at the last session of Congress passed a law which provided first that an agreement should be secured, if possible, with Great Britain for the purpose of formulating regulations to protect these animals. The bill has been reported to the Senate from the Committee on Foreign Relations, and it is upon the Calendar. It provides that if Great Britain will not enter into such an arrangement before the next sealing season commences, the Secretary of the Treasury shall proceed to kill every seal as fast as it lands upon the islands and end this controversy. It seems to me that is what we ought to do. Instead of sending another commission to witness our own humiliation, we ought to destroy every seal as fast as it lands upon the islands, in the interest of humanity.

Mr. President, two years ago the reports of the Treasury agents showed that 20,000 young seals starved to death because their mothers were butchered at sea, and last year 27,000 starved to death. It is well known that these young seals will live for about six weeks before death comes to relieve them, and that they travel up and down these rookeries in great distress, searching for their mothers, and finally die. Are we to continue this condition of affairs?

Mr. GALLINGER. How many died last year?

Mr. PETTIGREW. Twenty-seven thousand. These young seals died upon the islands because their mothers were killed at sea. It seems to me that we ought to stop it in the interest of humanity. It seems to me cruel to continue this performance. It seems to me we ought, in the interest of humanity, to enact some law to destroy these animals and thus stop this disgraceful transaction.

Mr. President, because of this fact the company which has leased the islands and agreed to pay into the Treasury a certain sum of money for each seal that is taken, has refused to make payments, and we have not received a dollar of revenue since 1892—not one penny last year, not one penny any year since 1892. But what is the fact in regard to the expense of carrying on this transaction? We have paid out since 1890, \$2,000,000 for the expense of a fleet and for men to patrol that field and watch the Canadian poachers take our property.

We have been regaled with arbitration treaties. We have implored the British Government to settle this question, to do away with this barbarous, inhuman performance in the Bering Sea, and yet they turn a deaf ear, refusing to do anything. Still they send one arbitration treaty after another. The last treaty which we received is one to arbitrate, as I understand, the one hundred and forty-first meridian of longitude. You might as well arbitrate the multiplication table. If this Administration remained long enough, if it did not find anything else to arbitrate, it would send here, I suspect, a treaty to determine whether Great Britain and the United States could agree upon the multiplication table. The one hundred and forty-first meridian of longitude can be determined by any engineer. It is well known that engineers have already determined its location within 400 feet of Central City, on the Yukon River, at the present time.

But, Mr. President, the British Government refuses to do one thing for the protection of seal life. I do not intend to enter into any discussion of the question at this late hour, but I wish to put before the people the record of this proceeding for the last few years.

The cost of patrolling the waters of the North Pacific and the Bering Sea since 1891 to date has been about \$1,606,000. When we add other expenses it swells the total amount to more than \$2,000,000, while the total revenue derived since 1891 is but \$288,000, and not a cent of revenue has been received since 1892. In the meantime we have lost into the hands of the Canadians the enormous number of more than 2,000,000 fur seals, valued at least at \$10,000,000, and from certain rulings of the Treasury Department since 1893 we have lost—at least we have not received the rightful revenue to us due from the company which rents the islands—\$1,188,000. I have a table showing the revenue and the expenses since 1890 in connection with this matter.

SEAL ISLANDS OF ALASKA.

[Figures taken from Secretary of the Treasury.]

Cost to public Treasury since 1890.

As to the cost of policing Bering Sea and the North Pacific each year since 1890, I have to state that the honorable the Secretary of the Navy, upon request, has informed this Department that the cost of maintaining vessels of the United States Navy in these waters since 1890, including pay and rations of officers and crews and repairs to the vessels during and immediately following the performance of said patrol duty, was as follows:

1890	No patrol by Navy.
1891	\$133,281.64
1892	233,931.31
1893	183,067.74
1894	452,768.18
1895	No patrol by Navy.

The expense incurred by revenue cutters in patrolling Bering Sea from 1890 to 1896, inclusive, including pay and rations of officers and men, is as follows:

1890	\$36,846.66
1891	51,650.70
1892	68,672.57
1893	47,385.79
1894	56,499.63
1895	148,677.74
1896	150,000.00

The amounts which have been expended by the Government for the support of the native inhabitants of the seal islands of Alaska follow:

1893	\$11,337.32
1894	18,319.44
1895	25,563.21
1896	25,000.00

While not requested by the resolution, I append a statement of the amounts expended for salaries and traveling expenses of agents to the seal fisheries of Alaska:

1890	\$10,747.71
1891	15,396.83
1892	16,071.33
1893	11,168.27
1894	10,953.09
1895	10,308.38
1896	10,000.00
Cost of Paris tribunal (1893)	250,000.00

Total cost to public Treasury..... 1,975,587.54

Revenue derived since 1890.

Year.	Seals taken.	Amounts paid.	Amounts due and unpaid.
1890	20,995	\$239,673.83	\$47,403.00
1891	13,482	46,749.23	133,628.64
1892	7,549	23,972.60	108,686.52
1893	7,500		132,187.50
1894	16,031		214,298.37
1895	15,000		204,375.00
1896	30,000		a 348,750.00

a Due April 1, 1897.

Paid by lessees.....	\$340,395.71
Due and unpaid.....	1,189,129.03

RECAPITULATION—LOSS TO PUBLIC TREASURY SINCE 1890.

Cost of protection.....	\$1,975,587.54
Revenue refused by lessees.....	1,189,129.03
2,000,000 fur seals destroyed by Canadians.....	10,000,000.00

Total loss from 1890 to date..... 13,164,716.57

In order that the Senate may clearly understand the complete failure of every attempt made by this Administration to secure the least betterment of the shameful order of affairs on the seal islands of Alaska, the following concise epitome of the successive advances of Mr. Gresham and Mr. Olney, together with the rebuffs, is given.

First, Mr. Gresham leads off:

MR. GRESHAM TO SIR JULIAN PAUNCEFOTE.

DEPARTMENT OF STATE, Washington, January 23, 1895.

EXCELLENCY: I have the honor to inform you, for communication to your Government, of the deep feeling of solicitude on the part of the President of the United States with regard to the future of the Alaskan seal herd as disclosed by the official returns of seals killed at sea during the present season in the North Pacific Ocean, filed in the respective custom-houses of the United States and British Columbia, and by reliable estimates of skins shipped to London from the Asiatic coast by way of the Suez Canal.

It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transhipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in the history of pelagic sealing. It would further appear that the vessels engaged in Bering Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals, not only over 8,000 more than were killed in Bering Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season.

This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and it is respectfully submitted can not fail to convince Her Majesty's Government, that the regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent, and that, unless a speedy change in the regulations be brought about, extermination of the herd must follow. Such a deplorable result should if possible be averted.

The experience of the past year under the regulations has demonstrated that not alone are the United States and Great Britain deeply interested in the preservation of the seal herd; Russia and Japan have interests commercially almost as important. Any new system of regulations of necessity should embrace the whole North Pacific Ocean from the Asiatic side to the American side, and should be binding upon the citizens and subjects alike of all these countries.

In order to add to our scientific knowledge upon this question as to the habits of the seal, its feeding grounds, and the effect of pelagic sealing upon the herd, and other similar questions, the President deems it advisable to suggest to Her Majesty's Government, and to the Governments of Russia and Japan, that a commission be appointed, consisting of one or more men from each country, eminent for scientific knowledge and practical acquaintance with the fur trade. This commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effects of pelagic sealing on the herd and the proper measures needed to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

[Senate Ex. Doc. No. 67, Fifty-third Congress, third session, pages 160-161.]

I am directed by the President to propose for the consideration of your Government, and the Governments of Russia and Japan, the appointment of such a commission, and I am further directed to suggest that during its deliberations the respective Governments agree upon a *modus vivendi*, as follows:

"That the regulations now in force be extended along the line of the thirty-fifth degree of north latitude from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Bering Sea be absolutely prohibited pending the report of such commission."

Inasmuch as the sealing season will shortly commence, and the fleet will leave the western coast for the sealing grounds, I beg to suggest the necessity of speedy action in regard to this proposition.

I have, etc.,

W. Q. GRESHAM.

To this urgent letter, accompanied by detailed statements of proof of the utter failure of the Paris regulations, asking for a prompt reply before the sealing season should open for 1895 and the vessels get beyond recall, the British Government (influenced by Canadian interests) made the following tardy and abrupt reply, denying everything that the United States Government complained of:

[Handed to Mr. Uhl by Sir Julian Pauncefote, May 27, 1895.]

INSTRUCTIONS TO SIR JULIAN PAUNCEFOTE.

FOREIGN OFFICE, May 17, 1895.

No. 93.]

SIR: I have received your excellency's dispatch, No. 29, of the 24th January, inclosing a note from Mr. Gresham, of the 23d January, relative to the operation of the regulations laid down by the Paris Tribunal of Arbitration for the fur-seal fishery, and the view entertained by the President of the United States that, the regulations having failed in their object, further provisions are required to preserve the herd from extermination.

In order to avert this result Mr. Gresham had been directed to propose:

That a commission should be appointed by the Governments of Great Britain, the United States, Russia, and Japan, consisting of one or more men from each country, eminent for scientific knowledge and practical acquaintance with the fur trade. This commission should visit the Asiatic side of the North Pacific as well as the American, and also the islands which the seals frequent, and report to their respective Governments as to the effect of pelagic sealing on the herd and the proper measures needed to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins.

That during the deliberations of this commission the respective Governments should agree upon a *modus vivendi* as follows:

"That the regulations now in force be extended along the line of the thirty-fifth degree of north latitude, from the American to the Asiatic shore, and be enforced during the coming season in the whole of the Pacific Ocean and waters north of that line. Furthermore, that sealing in Bering Sea be absolutely prohibited pending the report of such commission."

Her Majesty's Government have given the facts set forth by Mr. Gresham in support of these proposals their most serious consideration, but after examining attentively the figures and information at their disposal they have come to the conclusion that the condition of affairs is not of so urgent a character as the President has been led to believe.

In the second paragraph of his note Mr. Gresham states:

"It would appear that there were landed in the United States and Victoria 121,143 skins, and that the total pelagic catch, as shown by the London trade sales and careful estimates of skins transhipped in Japanese and Russian ports, amounts to about 142,000, a result unprecedented in pelagic sealing. It would further appear that the vessels engaged in Bering Sea, although only one-third of the total number employed in the North Pacific, in four or five weeks killed 31,585 seals—not only over 8,000 more than were killed in Bering Sea in 1891 (the last year the sea was open), but even more than the total number killed during the four months on the American side of the North Pacific this season."

He goes on to say—

"This startling increase in the pelagic slaughter of both the American and Asiatic herds has convinced the President, and, it is respectfully submitted, can not fail to convince Her Majesty's Government, that the regulations enacted by the Paris Tribunal have not operated to protect the seal herd from that destruction which they were designed to prevent, and that unless a speedy change in the regulations be brought about, extermination of the herd must follow. Such a deplorable result should, if possible, be averted."

I must, in the first place, observe that arguments based on figures which include the pelagic catch on the Asiatic or western side of the Pacific are calculated to lead to erroneous conclusions as to the working of the regulations, and as to their effect on the seals frequenting the Pribilof Islands.

There can be no doubt that there has been a large increase in the number of seals taken off the Japanese coast last year in comparison to any previous year. The total number taken there in 1893 was only a little over 29,000, while last year it appears from the returns to have been not less than 51,000.

But no point has been more constantly insisted upon by those who have examined and argued the question on behalf of the United States than that the seals frequenting the eastern and western sides of the Pacific form two absolutely distinct bodies or "herds" and do not intermingle. In the opinion of the experts and counsel employed on behalf of Great Britain this doctrine was pushed too far. They held that a certain amount of intermingling might and indeed did take place in Bering Sea. But though our knowledge of seal life is still far from complete, it may certainly be held as tolerably established that the two main bodies of seals are distinct, and that increased pelagic catch on the Japanese coast does not constitute a serious menace to the seals frequenting the Pribilof Islands.

Whether that increased catch can be continued without serious diminution of seal life on the Asiatic side is a question which has still to be tested by experience.

For the present the regulations apply to the eastern side only, and their success or failure must be judged solely by their effect on the herd which they were intended to protect. I proceed, therefore, to examine that effect as shown by the figures in the possession of Her Majesty's Government.

From the table printed at page 207 of the report of the British commissioners it appears that in the years 1889, 1890, and 1891 the pelagic catch on the eastern side was as follows:

1889	42,870
1890	51,560
1891	68,000

These figures include the catch of both British and American vessels.

The figures of the American catch for later years are not available, but

the Canadian catch on the eastern side in 1891, 1892, 1893, and 1894 are given in the official report as follows:

1891.....	52,995	1893.....	28,613
1892.....	39,107	1894.....	38,044

The American catch for 1894 on the eastern side is given in the table enclosed in Mr. Gresham's other note, forwarded in your excellency's dispatch No. 29, as 17,558, so that the total catch on that side last year was 55,602. This, as contrasted with the catch of 1891, shows a diminution of about 12,500.

In that year, though the *modus vivendi* was partly in force, the Canadian catch in Bering Sea was 29,146, whereas in 1894 it was only 23,425. This shows a diminution of about 10 per cent in the catch.

Her Majesty's Government have no returns of the American pelagic catch in Bering Sea in the season of 1891, and are therefore unable to make a comparison between the total catch there in that year and in 1894. They are unable to understand on what grounds Mr. Gresham has stated the total in 1891 to have been less than 23,585, when, according to their information, the Canadian catch alone was 29,146.

Turning now to the number of vessels employed in the fishery, these do not appear to have increased, but, on the contrary, to have decreased.

There are no trustworthy figures available as to the United States sealing vessels previous to those now furnished for 1894 by Mr. Gresham, but there are full official returns with regard to the Canadian sealing fleet, and the following table, showing the numbers and operations of the fleet during the last four years, is interesting in this connection:

Year.	Number.	Ton- nage.	Number of hunters.		Total catch on both sides of the Pacific.
			White.	Indian.	
1891.....	51	3,378	716	336	50,495
1892.....	66	4,450	961	511	46,332
1893.....	55	3,743	847	432	68,231
1894.....	59	3,866	888	518	90,485

It will be seen from these figures that the number of Canadian vessels and the number of hunters employed on them last season is below that of 1892, the great falling off in 1893 being due to wrecks and seizure of vessels in the previous year.

As regards the total number of vessels, both British and American, employed in the fishery, these are given at page 185 of the United States case before the Tribunal of Arbitration as 115 in 1891 and 123 in 1892, while in 1894 they were only 92—a most material decrease.

The number of vessels and of men employed on them having thus decreased, while the total catch on both sides of the Pacific has undoubtedly increased, it is clear that there has been a general increase in the average catch per man and per vessel. This is no doubt due in considerable degree to increased efficiency, to the fact that under the regulations the use of the spear has largely replaced that of firearms, and that consequently fewer of the seals shot or speared were lost. Much is probably the result of those accidental circumstances of weather and climate which go to make a good fishing season. But the fact tends also to show that more seals were met with than before, and from this point of view the increased catch does not point to any imminent danger of extinction of the species.

As regards the effect of the regulations on the number of seals frequenting the Pribilof Islands, it seems premature to attempt to form an opinion.

Her Majesty's Government have noted the fact, which is not quoted by Mr. Gresham, but has been stated on authority, that only 16,000 seals were allowed by the United States Treasury agent to be killed on the Pribilof Islands during the last season. It is a feature of the question which deserves attention, but in the absence of information as to the standard weight of skins and other conditions fixed by that officer, it is not possible to estimate the significance of this restriction. It does not, however, necessarily point to any grounds of immediate apprehension, as only 20,000 seals could be taken in 1890, though the standard in that year was undoubtedly low.

In any case, as the number of seals taken outside Bering Sea on the American side was, owing to the regulations, much less than usual, and pelagic sealing does not begin in that sea till the 1st of August, by which time killing on the islands is over, it is evident that the small take on the islands was not due to the results of the pelagic catch of last year.

Taking all these circumstances into consideration, Her Majesty's Government can not agree that any sufficient evidence as yet exists to show that the regulations have failed in their effect or that there is such urgent danger of total extinction of the seals as to call for a departure from the arbitral award by which the two nations have solemnly bound themselves to abide.

The arbitrators had before them all the information both as to the condition of the herd and the results of pelagic sealing which the resources of both nations could supply, and after exhaustive consideration they, in the judicial exercise of their discretion, fixed five years as the period after which the regulations might be revised. Only one year has elapsed, and beyond the fact that though the sealers have scrupulously adhered to the regulations, they have had a successful season, there is no substantial ground to support the contention that the period for revision of the regulations fixed by the arbitrators ought to be so materially curtailed.

To set aside their authority upon so slight a ground would, in the opinion of Her Majesty's Government, be a most serious blow to the authority of arbitral decisions, and to the general principle of arbitration which both Governments have at heart to promote.

Her Majesty's Government are, however, anxious to do all in their power to contribute to a fair and thorough examination of the facts connected with the seal fishery, and to the adoption in useful time of any measures which may be necessary for the preservation of the species. They have examined carefully the specific proposals contained in Mr. Gresham's note, in order to see how far any portion of them could be accepted with this view, having due regard to the important British interests involved.

As regards the proposed *modus vivendi* for this season, Her Majesty's Government regret that they find themselves unable to accept this proposal.

Even if some adequate grounds had been furnished for its adoption in the interest of the fishery, it is to be remembered that the sealers have already almost all started and are now scattered over the whole breadth of the North Pacific, where it is impossible to warn them.

They have made their preparations on the assumption that the interference and interruption to which their industry has been subject more or less for the last ten years had at length come to an end, and that the conditions under which it might be prosecuted had at last acquired some permanence and stability. To spring upon them again in the midst of their operations so stringent a proposal as that of the United States would be an act of great injustice, and would involve Her Majesty's Government in the payment of heavy compensation.

The measure suggested would in fact put an end to pelagic sealing, as it would have only the first four months of the year, when from various causes comparatively few seals are caught, while the sealers would have to lay their

vessels up during the remaining two-thirds of the year. The adoption of such a restriction under present circumstances, and upon the only grounds which can be adduced to justify it, would be almost tantamount to an announcement that whenever there has been a successful pelagic fishing, steps, will at once be taken to prevent the recurrence of such an event.

Nor can Her Majesty's Government believe that the appointment at present of an international commission, such as is suggested by Mr. Gresham would lead to any useful result.

It will be remembered that the commissioners appointed by the United States and Great Britain who visited the islands in 1891 to examine this same question found themselves unable to agree, except as to a few vague general statements, and presented reports in which they differed widely, not only as to the remedial measures necessary, but even as to many of the most important facts in seal life, and only the same result can be expected from a second more numerous commission.

Such commissioners, it must be borne in mind, can only be on the islands for a few weeks at most, while the period during which the seals frequent the islands extends from May to October or November, and the phases of seal life exhibited are constantly changing.

The question to be dealt with is the progress and the growth or decrease of the herd, and the information required to enable it to be effectively grappled with can only be gathered by continuous observations carried on constantly during the greater part of the period that the islands are resorted to by the seals, and extending over a series of years. The new commission might, no doubt, be able to gather some new facts as to seal life, but nothing but continuous and comparative study could qualify it to form a judgment as to the effects which the pursuit of the seals at sea and the slaughter on land are producing on the herd, and to suggest any remedial measures with confidence and authority.

Instead of appointing such a commission, though possibly as a preparatory step to its appointment, Her Majesty's Government would propose the appointment of agents to reside on the seal islands and to collect authoritative information by observations, which should extend over such a period as will be sufficient to enable a judgment to be formed of the effect of the fishing upon the preservation of the herds.

If such agents appointed by the United States and Great Britain were to conduct investigations jointly during the next four years, both Governments would by that time have, with the particulars derived from the sealers' logs and other sources, a body of information which would enable the two nations to approach the question of revising the regulations in a thoroughly scientific manner, and to protect, as far as possible, the numerous and varied interests involved in the seal fishery.

Her Majesty's Government do not wish, however, to be understood as desiring to postpone all discussion until that date. The agents would naturally make their reports at regular and not too distant intervals, and if the facts disclosed in these reports, or information obtained from other sources, should at any time show a state of things urgently calling for remedial measures, Her Majesty's Government would be willing at once to examine with the Government of the United States the method in which such measures could best be applied. Similarly they will be ready to do what is in their power to obtain early returns of the results of the fishery during the present year, in order that they may be examined by the two Governments at the first practicable moment.

If these proposals recommend themselves to the Government of the United States, it might be desirable also to approach the Russian Government with a view to the appointment of similar agents on the Commander Islands. There is little independent information available in regard to the conditions of seal life on these islands, and as the Russian Government desire that the regulations made by the arbitrators for the western side of the Pacific should be extended to the eastern side, it seems reasonable that there should be inquiry how far such extension is necessary and applicable.

Your excellency is authorized to read this dispatch to Mr. Gresham, and if he should so desire, to hand him a copy of it.

This distinct and abrupt refusal of the British Government was shadowed by a cable outline of its negation on the 9th of May that stirred Mr. Uhl, then Acting Secretary of State, so badly that he at once prepared and sent the following:

MR. UHL TO SIR JULIAN PAUNCEFOTE.

DEPARTMENT OF STATE, Washington, May 10, 1895.

EXCELLENCY: On the 23d of January last the Secretary of State had the honor to address you an important communication respecting the President's deep solicitude with regard to the future of the Alaskan seal herd and suggesting to Her Majesty's Government that a commission be appointed on behalf of Great Britain, Russia, Japan, and the United States to investigate and report touching the effects of pelagic sealing and the proper measures needful to regulate such sealing so as to protect the herd from destruction and permit it to increase in such numbers as to permanently furnish an annual supply of skins; and, furthermore, proposing that during the deliberations of such a commission a *modus vivendi* be agreed upon extending the area embraced in the regulations of the Paris Tribunal along the line of the thirty-fifth degree of north latitude to the Asiatic shore, and absolutely prohibiting sealing in Bering Sea pending the report of such commission.

At the date of that proposition but little time remained available for reaching an agreement between the two Governments, parties to the Paris award, which could be made effectual during the present sealing season, and for obtaining the concurrence of the other Governments interested, Russia and Japan; and early action upon the subject was naturally expected. This Department is, however, yet without information as to whether Her Majesty's Government is prepared to take effective steps as suggested to check the appalling diminution of the Alaskan seal herd within the area of the award and avert the imminent destruction of the important industries to which the seal fisheries give rise.

At this late day the proposition for a quadruple investigation and report can scarcely be executed during the present year, and while it remains a matter for urgent consideration in provision of next year's needs, the delay brings into more immediate and urgent prominence the second branch of the proposal, and especially the imperative need of agreeing upon the absolute closure of Bering Sea to pelagic sealing until the four Governments may reach a convenient accord on the general features of the problem.

Extended consideration of the subject, since Mr. Gresham's note of January 23 was written has not only confirmed the grave apprehensions then expressed, but has forced upon this Government the conviction that further suggestions designed to expand by mutual agreement the scope of the Paris award, in order to make it more effective for the purpose of preserving the fur-seal herd, are warranted by the information now in possession of this Government.

The sealing season of 1894 was the first during which the provisions of the Paris award were applicable, and the pelagic catch of seals, both without and within the area defined in the award, proved to have been the largest ever known.

The statistics of the seal catch, as estimated in another note addressed to

you by the Secretary of State on the same day, January 23, are confirmed by later knowledge. Reliable information discloses that 138,323 skins taken by pelagic sealers in the North Pacific and in Bering Sea from the American, Russian, and Japanese herds during the season of 1894 were sold in London. Careful estimates show that about 3,000 were retained in the United States for dressing and dyeing, making a total of 141,323. To this should be added about 800 which were known to have been on a vessel believed to have been lost, making the total catch about 142,000, of which 56,686 were taken within the area covered by the Paris award.

The following table gives the number of skins taken by pelagic sealers within said area during the years 1890-1894, inclusive:

1890.....	40,809	1893.....	23,613
1891.....	45,941	1894.....	55,686
1892.....	46,642		

It may be estimated within moderate bounds that these figures represent only about one-third of all the seals killed, the bodies of the greater part not being recovered.

An examination of these figures must satisfy the most skeptical mind that the fur-seal herd will be speedily exterminated unless the scope and the details of the award shall be supplemented by enlarged regulation.

So far as the articles of the award relating to the North Pacific Ocean, exclusive of Bering Sea, are concerned, whereby all seal fishing from May to August is forbidden, much good has been accomplished, and favorable results were apparent on the breeding islands early in the season. The fatal defect in the scope of the award, however, was in opening Bering Sea during August and September to pelagic sealing and prohibiting only the use of firearms. It has been claimed—and there is evidence in support of the claim—that the spear is as destructive in Bering Sea as the shotgun, and some experts believe that even greater destruction is accomplished by the use of the spear than by guns, for the reason that the noise of the latter frightens away many seals which may be easily killed while sleeping on the water by spearmen. While the herd is traveling in the North Pacific Ocean, away from the islands, it is very difficult to kill seals with spears, as they are constantly swimming and rarely found asleep on the surface. In Bering Sea, however, the females leave their pups on the islands and go out for a distance of 100 or 200 miles, far beyond the inhibited 60-mile zone, to feed. They are there found in large numbers asleep on the water and can easily be killed by the silent and skillful spearmen. The large number of pups found dead from starvation on the islands during the latter part of September and October, 1894 (12,000 by actual count on the accessible parts of the rookeries and 20,000 in all by careful estimates), shows the destructive effect of permitting any pelagic sealing whatever in Bering Sea.

With the closure of that sea to pelagic sealing, and with the enforcement of the closed season in the North Pacific Ocean as established by the award, it is believed that the seals would receive no more than a fair degree of protection, whereby seal fishing might continue to be profitable both on land and sea for a long time to come. Unless such a restriction in the scope of the award be made, the fur seals will be exterminated for all commercial purposes within a very few years at the most, and the dependent industries be destroyed. These considerations, joined to the official figures of last season's catch, which are now definitely known, fully bear out the wisdom and necessity of the proposals made in Mr. Gresham's note of January 23, making it more than ever the President's imperative duty to recall to the attention of Her Majesty's Government the defects in the form and scope of the Paris award, and in the legislation thereunder for carrying out its provisions, especially that enacted by the British Government; and I am directed by the President to earnestly renew, through you, the endeavors already set on foot to secure by mutual arrangement appropriate legislation on both sides, in order that the object of the award—to wit, the preservation of the fur-seal fisheries for the mutual and lasting benefit of the citizens and subjects of the two countries—may be effectually accomplished.

The contention of Her Majesty's Government that regulations framed for the purpose of carrying out the award should be coextensive with and limited by the terms of the award would seem to be sound, but this circumstance makes it the more incumbent upon the two parties to consider certain aspects in which the award fails to provide for contingencies which one brief year's experience has shown should be promptly met. No adequate remedy seems effective except through concurrent action, for Her Majesty's Government, by insisting on following the strict terms of the award, only emphasizes the glaring defects therein and demonstrates the need of an agreement to cure them. One of the most radical infirmities of this character, so conspicuous as to amount to a miscarriage of the undoubted purpose of the award itself, is found in Article VI, which prohibits the use of firearms and explosives in fur-seal fishing, the only exception being shotguns when used outside of Bering Sea. This prohibition is directed simply against the use of these weapons for one particular purpose—that of killing fur seal—leaving the possession and use lawful for all other purposes, such as killing whales, walrus, sea otter, hair seal, and other animals found within Bering Sea.

Experience has shown it to be almost a practical impossibility to detect a sealing vessel in the act of using firearms for this one prohibited purpose. Although the searching officer may be morally certain that firearms have been used, and may properly consider the mere presence of firearms on the vessel, if accompanied with bodies of seals, seal skins, or other suspicious evidence, sufficient justification (even apart from the provisions of section 10 of the act of Congress of April 6, 1894, which is applicable only to American vessels) for the seizure of such a vessel, it must be apparent that in proceedings for condemnation brought in a court thousands of miles away from the place of seizure it will be almost impossible to secure conviction and forfeiture on the ground of illegal use of weapons. Furthermore, under the procedure necessarily following the seizure of a British vessel, the United States officer delivers the vessel, with such witnesses and proof as he can procure, to the senior British naval officer at Unalaska. At the trial no representative of our Government is present, and the British Government must conduct the prosecution and must trust to such proofs and witnesses as the American officer could collect and furnish at the time. Under such circumstances forfeiture of the vessel could not be secured except in the clearest cases of guilt.

The prohibition of the use of firearms in seal fishing in Bering Sea can be effectually accomplished only by prohibiting the possession of firearms in that sea adapted to the killing of seals.

The provision of section 10 of the act of Congress of April 6, 1894, by which a presumption of a legal use from the possession of implements forbidden then and there to be used is raised, aids materially the enforcement of the award in the case of American vessels, to which, as I have said, our act alone applies. It is greatly to be regretted that no equivalent provision is found in the British act of Parliament enacted April 18, 1894, for carrying out said award; and in this connection it is significant that in the prior act carrying out the *modus vivendi* of June 15, 1891, for the prohibition of all sealing in Bering Sea (54 and 55 Victoria, chapter 19), a provision similar to that in the act of Congress above cited was inserted, as follows:

"If a British ship is found within Bering Sea having on board thereof fishing or shooting implements or seal skins, or bodies of seals, it shall lie on the owner or master of such ship to prove that the ship was not used or employed in contravention of this act."

The principle thus enunciated is so evidently just and necessary that it is not easy to understand why the latter British act, legislating upon the same subject, should have contained no similar provision in terms conforming to the intent of the award. The Secretary of the Treasury is of the opinion that although an amendment bringing the present British act into harmony with the prior act and with the American statute in this regard would render the task of enforcing the award much easier, and give more effectual results, the most satisfactory amendment would consist in common legislation rendering a vessel a subject to forfeiture if found in Bering Sea with firearms on board adapted to the killing of seal.

It should further be provided by concurrent legislation that sealing vessels having implements or seal skins on board desiring to traverse the area covered by the award during the closed season if licensed, and during any season if unlicensed, should have such implements duly sealed and their catch noted on the log book (a privilege now accorded at the option of the master under the regulations of 1895, Article IV), under the penalty of forfeiture for violation of this privilege.

This privilege, however, as above stated, should not be accorded to vessels having firearms in Bering Sea.

It is further to be noted that under the British act of Parliament the provisions of the merchant shipping act (1894) with respect to official logs (including the penal provisions) are made applicable to sealing vessels. Said penal provisions, however, do not appear in the schedule attached to the copy of the act in the possession of the Department.

I have therefore to request that you will ascertain and inform me whether such penalties include the forfeiture of the vessel and cargo. Section 8 of the act of Congress expressly provides that any violation of the award or regulations will render the vessel and cargo liable to forfeiture. It is feared that because of the specific reference in the British act to the penal provisions of the merchant shipping act of 1894 as to official logs the failure of a vessel to keep log entries might not bring her within the general liability to forfeiture contained in the British act unless said merchant shipping act, now made a part thereof, contains similar provisions. During the past season log-book entries were duly made by United States sealing vessels in Bering Sea and were transmitted to Congress.

The Department is also informed that similar entries were made by British vessels in Bering Sea, which entries have been duly transmitted by the British Government. Many vessels, however, had cleared for the coasts of Japan and Russia as early as January, long before the passage of either the act of Congress of April 6, 1894, or the act of Parliament of April 18, 1894. Inasmuch as the award was not self-operative and contained no penalties for its violation, the Treasury Department considered that the penalties provided in the subsequent legislation were not retroactive, and could not properly be applied to the failure to make the log entries required by the award before the passage of such legislation. Entry was, therefore, permitted for the catch of seals on receipt of the master's oath that he cleared in ignorance of the provisions as to log-book entries. During the coming season collectors have been instructed rigidly to enforce the law as to log-book entries; and the exact status of the British law, therefore, becomes of great importance, so that an early answer to the present inquiry is very desirable.

While upon this subject of so amending the concurrent legislation of the two countries as to secure uniformity, I may invite attention to the fact that under the British act it is nowhere made the duty of the British naval officers to seize ships when found in violation of the law. Section 11 of the United States act imposes that duty on United States officers duly designated by the President. You will recall that Mr. Gresham adverted to this point in his note to you of April 10, 1894; and in your reply of April 11 you observed that, in your opinion, the word "may" would be construed as imperative, and that, in any case, the instructions to the naval officers would probably remove all doubt on the point. It is now submitted, however, that this detail is too important to be left to mere administrative interpretation of a statute which in terms omits to prescribe this most essential duty; and in the judgment of the President this discrepancy in the concurrent legislation of the two countries should no longer continue.

Besides advancing these considerations in regard to the concurrent legislation for regulating sealing in the North Pacific and Bering Sea, the Secretary of the Treasury has asked me to ascertain, through you, whether during the past season the British Government has employed inspectors to verify the log-book entries of British vessels as to the number and sex of seal skins landed, in like manner as provided by the legislation of this country. All skins entered during the past season at United States ports, except Port Townsend, were duly examined by expert inspectors as to number and sex. By an error, however, the skins entered at Port Townsend, although duly examined and counted, were not classified as to sex.

The Secretary of the Treasury further suggests that the British Government be requested to consent to the stationing of United States inspectors at British Columbian ports for the purpose of verifying said log entries of British vessels and examining the skins as to sex, reciprocally according the British Government a like privilege in United States ports. I have therefore the honor to make such a request, and to invite as early a response thereto as may be practicable.

In thus communicating to you, by direction of the President, the proposals and suggestions of this Government, I desire, by way of recapitulation, to lay especial stress upon (1) the necessity of immediate agreement to close Bering Sea absolutely to pelagic sealers pending consideration of the proposition for extending the protective area of the North Pacific Ocean along the thirty-fifth parallel to the Asiatic coast, with the concurrence of Russia and Japan; (2) the proposal for a *modus vivendi* whereby the effective concurrence of Great Britain, Russia, Japan, and the United States shall be lent to the protection of the fur-seal herds; (3) the appointment of a joint commission, as suggested in Mr. Gresham's note of January 23, 1895, and (4) the advisability, if not the proven necessity, for amending the concurrent legislation of the two countries for the expansion and more precise definition of the scope of the Paris award, and the duty of the two Governments thereunder.

I have, etc.,

EDWIN F. UHL, Acting Secretary.

No answer was ever received to that letter, and a few days ago I submitted a resolution in the Senate, which was adopted, calling for a copy of the letter and the reply. The Secretary of State informed the Senate that no reply had ever been received.

No answer being received, then Mr. Olney becomes restive; a shadow of the failure to get anything he ought to get fell upon him, and he follows Mr. Uhl's letter, above cited, with a long reiteration of the same, as follows:

MR. OLNEY TO LORD GOUGH.

DEPARTMENT OF STATE, Washington, June 24, 1895.

MY LORD: On the 27th ultimo Her Majesty's ambassador handed to Mr. Uhl a printed copy of an instruction from the foreign office, No. 93, dated May 17, 1895, in answer to Mr. Gresham's proposals of the 23d of January last,

touching the necessity of further provisions to preserve the fur-seal herd of the northern Pacific and Bering Sea from extermination in view of the inadequacy of the regulations laid down by the Paris Tribunal of Arbitration, and specifically replying to the proposal of this Government for the appointment of an international commission by the Governments of the United States, Great Britain, Russia, and Japan, respectively, to investigate the fur-seal fisheries of those waters, and, pending a report by said commission, for a *modus vivendi* prohibiting sealing in Bering Sea and extending the regulations of the Paris award along the thirty-fifth degree of north latitude to the shores of Asia.

With regard to Mr. Gresham's statements concerning the startling increase in the pelagic slaughter of both the American and Asiatic herds, I note that the reply of the foreign office takes the position that this Government, because of its contention before the Paris Tribunal that the Asiatic and American fur-seal herds are distinct and do not commingle, can not now with propriety draw any inference as to the effect of pelagic sealing on the American fur-seal herd from figures indicating increased catches over previous seasons in the total of seals killed on the Asiatic and American sides of the North Pacific Ocean.

The claim is further advanced that, although the catch of fur seals during last season on the Asiatic side was greater than in any previous year, yet the catch taken from the American herd (that is, within the Paris award area), while admittedly larger than in most previous seasons, was, in fact, not as large as that of the season of 1891. And in this connection this Government is further reminded that the success or failure of the regulations established by the Paris Tribunal must be judged solely by their effect on the herd which they were "intended to protect."

I have the honor to reply that during the hearings before the Tribunal of Arbitration at Paris it was earnestly contended by counsel representing Great Britain that the Asiatic and American herds did commingle. That fact was disputed by the American counsel in the light of the evidence before them. The tribunal, however, was not called upon to make any definite finding upon this important question. While I do not wish to be understood as expressing any opinion upon the subject, yet, in view of the admission contained in the note of your Government, in which I cordially join, that "our knowledge of seal life is still far from complete," I feel that this disputed question as to whether said herds commingle still requires most careful consideration and study. It has been suggested that the American seal herd, even if not naturally commingling with the Asiatic herd, may have been driven over to Asiatic shores by incessant slaughter during the past seasons. If such were found to be the fact on careful investigation—which investigation is unfortunately refused by Her Majesty's Government—it might appear that the total slaughter of fur seals on both sides of the North Pacific Ocean has a more intimate connection with the present condition of the American fur-seal herd than is now admitted.

However this may be, the foreign office seems to have fallen into the serious error of assuming that the proposition of the United States Government contained in Mr. Gresham's note of January 23 last was selfish in its character, having application only to the material interests of the United States Government in the American, as distinguished from the Asiatic, fur-seal herd. Nothing could be further from the truth. The President acted in the desire to protect the fur-seal fisheries on both sides of the North Pacific Ocean, Asiatic as well as American, for the benefit of mankind. Incidentally, it is conceded, this might have resulted in benefit to the interests of the United States, but the proposition was based on broad humanitarian principles, no peculiar benefit or gain being sought save what would have occurred to all mankind from the proper regulation of these valuable fisheries. It will be recalled that a proposition of similar nature, limited to Bering Sea, was made by my predecessor, Mr. Bayard, through the United States ministers in England, Japan, Russia, and Sweden and Norway to those respective Governments in 1887, and that subsequently, at the request of Lord Salisbury, then Her Majesty's secretary for foreign affairs, its scope was broadened so as to embrace the whole northern Pacific Ocean, including Bering Sea, from the Asiatic to the American shores north of the fortieth degree of north latitude. Unfortunately, and apparently at the dilatory instance of the Canadian Government, this proposal was indefinitely postponed by Her Majesty's Government in June, 1888.

The development of valuable fur-seal fisheries off the coasts of Japan and Russia, followed by the closed season established by the Paris award, has induced many sealing vessels to frequent those waters, thus causing a notable increase in the pelagic slaughter off the Asiatic shores. The figures given by the foreign office included only the slaughter in Japanese waters. Adding the seals killed in Russian waters, we have a total of over 73,000 in 1893 and over 79,000 in 1894. It was to regulate the killing in those waters, as well as within the Paris award area, that Mr. Gresham's proposition of January 23 was made.

But even if it be assumed that the American and Asiatic herds are distinct and have never commingled, the fact still remains that the slaughter of the so-called "American" or "Alaskan" herd during the past season has been greater than in any season in the history of pelagic sealing. The foreign office's instruction states that about 12,500 fewer seals were killed from this herd in the award area in 1894 than in 1891. There is good ground, however, to conjecture that the British computation of seals killed in Bering Sea in 1891, namely, 29,146, swelling their total computation to 68,000, comprised a number of seals taken on the western side of that sea in the vicinity of the Russian islands. The figures for the catch in the same sea in 1894 (31,583), it should be remembered, are limited to seals killed on the eastern side within the area of the Paris award.

It was a matter of evidence before the Paris Tribunal that after the promulgation of the *modus vivendi* of June 15, 1891, 41 British vessels were warned out of the American side of Bering Sea by American cruisers between the dates of June 29 and August 15 of that year. It is believed that many of the vessels so warned went over to the Russian side of Bering Sea and made catches there. From statistics in the possession of this Government it would appear that some 8,432 seals were so taken—6,616 by British vessels and 1,816 by American vessels. There should be deducted, therefore, from the British figures 6,616, leaving about 23,000 as the catch of British vessels in the award area in Bering Sea during the season of 1891. A closely similar result is reached by careful examination of all the reported catches of 1891, and of the affidavits scattered through the cases and counter cases of the United States and Great Britain, whereby, deducting from the catch stated in the United States counter case, 23,605, the number of seals estimated to have been killed off the Russian coasts, 5,847, a result of 23,041 is reached. Adding to this computed British catch in Bering Sea during 1891 the number of seals computed as killed in Bering Sea by American vessels in that year, 4,920, the total number of seals killed and recovered within the award area in Bering Sea for the season of 1891 falls below 28,000.

The communication of the foreign office states the total catch of the American and British vessels within the award area, comprising the North Pacific, in addition to Bering Sea, in 1891, as 68,000. A careful computation made by the Treasury Department of the total catch for 1891, based on an elaborate calculation of all the evidence disclosed in the case and counter case of each Government, estimates the number of seals known to have been killed within the award area at 45,000, leaving about 18,000 undetermined as

to the locality of the slaughter. Taking, however, the figures as given by the foreign office, 68,000, and subtracting the number estimated by other computations by the Treasury Department to have been killed in Russian waters, 8,432, we have left 59,568 as the maximum catch within the award area for 1891.

The official statement of the catch for 1892 contained in the report of the Canadian department of marine and fisheries credits 14,805 out of a total of 53,912 to the Asiatic shores; the report for 1891 gives only a total of 52,965, none being credited to Russian waters; neither does the report of the British commissioners of the catch of 1891 give any number as killed in said waters. While admittedly these Russian catches were relatively small in this year, and hence may by inadvertence have escaped the attention of the Canadian authorities, yet it is clear that the British computations of 1891 and 1892 are reached by different methods, omission, if not error, to the extent stated above being distinctly imputable to the figures of 1891.

In computing the catch of 1894, the instruction of the foreign office states that 55,602 seals were killed within the award area, including 17,558 as the catch of American vessels. It should be remembered, however, that in the Treasury Department tables, from which the details mentioned in Mr. Gresham's note of January 23 were taken, 6,836 skins taken by American vessels were stated as undetermined as to location. Assuming that these unlocated catches were divided between the American and Asiatic herds in the same proportion as the other skins landed during the season of 1894 at American ports by United States vessels, we should have for the total catch within the award area 55,686, plus 6,152, or 61,838 in all, representing the bodies actually recovered, disregarding those killed but not recovered, from two to five times as many, according to the evidence before the Tribunal at Paris.

This total of seals killed and recovered justifies the repetition of the statement previously made that the pelagic catch within the award area during the last year's season was the largest in the history of pelagic sealing, the nearest approximation being the season of 1891, in which, even on the theory of the British figures, not more than 59,568 seals were killed and secured. The significance of this catch of 1894 will be better appreciated when it is considered that only 95 vessels were employed as against 115 in 1891.

It is further contended in the foreign office note that the increased catch, with proportionately fewer vessels, indicates an increased number of seals in 1894 as compared with 1891, and consequently a better condition of the fur-seal herd. When, however, the startling decrease of seals on the Pribilof Islands, pronounced by experts to be at least one-half since 1890, taken in connection with the great destruction of pups from starvation on the islands last season, caused by the slaughter of their mothers at sea, is considered, it will appear, it is respectfully suggested, conclusively demonstrated that the increased catch is but a measure of the increased efficiency of the crews employed as hunters on the sealing vessels; that the seal herd is rapidly diminishing in numbers and that it is in danger of speedy extermination unless changes are made in the regulations established by the Paris award as proposed by this Government.

It is correctly stated by the foreign office note that the catch in the award area of last season outside of Bering Sea was less than during the season of 1893. It should be remembered, however, that it falls only a little short of the catch of 1893, and that it was taken during four months, January to April, while the catch of 1893 was taken during seven months, January to July. The prohibition in the award regulations of pelagic sealing during the months of May, June, and July, however, was calculated undoubtedly to do much good to the herd, and some favorable results might naturally have been expected early in the season on the islands. Nevertheless, after the sealing fleet had finished its work in Bering Sea, the alarming increase in the number of dead pups found on the islands (amounting by accurate estimate to about 20,000), revealed unmistakably the fatal error of the award regulations in opening said sea to pelagic sealing.

The marvelously increased efficiency of the pelagic seal hunters in the use of the shotgun and spear, as shown by the enormous catches of late years, and especially of the last season under the award regulations, can not fail, it is again submitted, to speedily deplete the fur-seal herd. This depletion has already necessitated a reduction of the land catches on the Pribilof Islands of 85 per cent since 1890, and the pelagic catches must soon decrease in like degree on peril of complete extermination. Reports of the coast catch of the present season of 1895 would seem to indicate that this decrease is already observable. It is to be presumed, however, that for some few years the pelagic slaughter in Bering Sea, the great nursery of the fur-seal herd, can be maintained at figures approximating to or possibly exceeding those of last year. But the end can not be far off. It is respectfully submitted that such slaughter as has taken place within the last year—largely of nursing females—affords conclusive evidence that the regulations as established by the Paris award are not giving that measure of protection that the arbitrators intended. Commercial extermination of the fur-seal herd—Asiatic as well as American—is imminent. It is to be deeply regretted, therefore, that Her Majesty's Government has declined our propositions for the appointment of an international commission, and for an efficient *modus vivendi* pending a more comprehensive agreement in which all the parties in interest may justly share.

While thus rejecting the suggested international commission and *modus vivendi*, the foreign office instruction suggests that resident agents be appointed by the United States and Great Britain to be stationed on the Pribilof and Commander islands, there to make joint investigation during the next four years, and to report from time to time as to the condition of the fur-seal fisheries.

Although this Government firmly believes that this suggestion of Her Majesty's Government is inadequate and can not satisfactorily take the place of an international commission of scientists, nor supply the need of all asked for in said *modus*, it is unwilling to block the way to a better approximate understanding of the important conditions of seal life.

It is thought, however, that the British suggestion may be advantageously modified in the interest of all concerned, and I am directed by the President to make a new proposition to Her Majesty's Government, based largely upon that now submitted by the foreign office, to wit: That three agents each be appointed by the respective Governments of Great Britain, Russia, Japan, and the United States, twelve in all, who shall be stationed on the Kurile, Commander, and Pribilof islands, respectively; that these agents be instructed to examine carefully into the fur-seal fishery and to recommend from time to time needful changes in the regulations of the Paris award and desirable limitations of the land catches of each of the said islands; that within four years they shall present a final report to their respective Governments, and that, pending such report, a *modus vivendi* be entered into extending the award regulations along the line of the thirty-fifth degree of north latitude from the American to the Asiatic shores.

The importance of the subject, of which the Governments interested must by this time be abundantly convinced, leads me to hope for the early and favorable attention of Her Majesty's Government to this amended proposal.

I have, etc.,

RICHARD OLNEY.

It will be noted in this letter of Mr. Olney that he fairly begs that, even if the British Government will not listen to a cessation

of the sea butchery, it agree to join with our Government in sending up a joint commission for the purpose of seeing the wretched truth which the Canadians deny.

Mr. Olney simply wasted his time. The following reply of the British ministry scornfully refuses to grant even this small boon, but is willing to let a Canadian agent or two go up informally to live on the islands and watch things. Then the British ambassador fairly rubs it in. He informs Mr. Olney that the United States State Department is utterly mistaken in its charge of injury to our fur-seal herd; that Mr. Olney does not know as much as he might have known had he been able to digest the data assembled. Let the reply to Mr. Olney speak for itself. Here it is:

LORD GOUGH TO MR. OLNEY.

BRITISH EMBASSY, Newport, R. I., August 19, 1895.

SIR: Her Majesty's Government have had under consideration your note No. 133, of the 24th of June last, containing a new proposal from your Government for the appointment of three agents by Great Britain, Russia, Japan, and the United States, respectively, to be stationed on the Kurile, Commander, and Pribilof Islands.

In your above-mentioned note a lengthy criticism is made of the figures relating to the catch of seals in successive years which were given in the Earl of Kimberley's dispatch No. 93, of May 17 last, to Sir Julian Pauncefote. A copy of this dispatch was left with Mr. Uhl on May 27 by his excellency. Those figures were taken from the Canadian official returns, the estimate of the total catch of 1891 (British and American) being that of the British Bering Sea commissioners. The statement that a small part of the catch of 1891 was actually made on the Asiatic side of Bering Sea has been noted, and steps are being taken to investigate this particular point.

I have the honor to state, however, at the same time, that in any case the criticisms of the United States Government do not appear to invalidate the contention of Her Majesty's Government that there has been no such alarming increase in the pelagic catch of seals on the American side as to justify any extension of the regulations solemnly laid down by an international board of arbitration for a fixed period of five years, after an elaborate examination and an exhaustive discussion of the voluminous evidence presented on both sides. Nothing but the absolute concurrence of the two Governments in the necessity of a change, based on new and undisputed facts, could, in the views of Her Majesty's Government, justify any departure from the regulations prescribed by that tribunal before the time appointed under the award for their revision, should such revision then be called for.

I have further the honor to point out that even on the figures given by the United States Government the catch of 1891 on the American side was practically the same as that of 1894, and that the greatly increased dexterity with which the sealers are credited, and especially the fact that the bulk of the catch was made with spears instead of firearms, justifies the conclusion that the catch of 1894 was secured at less cost to the herd than that of 1891.

I am authorized further to state, in reply to your above-mentioned note, that Her Majesty's Government can not recognize that Russia and Japan have any interest in the seal fishery on the American side of the North Pacific, and that they can not, therefore, take part in any inquiry on the Pribilof Islands in which those powers are associated, but Her Majesty's Government is ready to appoint at once an agent to inquire, conjointly with an agent of the United States alone, as already proposed; and they would also be ready to consider any request from the two powers concerned to join in an inquiry on similar terms with Russia and Japan, respectively, in the Commander and Kurile islands.

I have, etc.,

GOUGH.

In answer to the resolution which I introduced in the Senate calling for information upon this subject the reply which I have presented was not mentioned. No wonder Mr. Olney does not refer to this humiliating answer to his letter or to his own letter of the 24th of June, which brought it to him; yet he was explicitly asked for this correspondence by the Senate on the 17th ultimo. Mr. Olney, in complying with the request of the Senate, omits any reference to this abortive correspondence on his part, which is cited above. In order that the record shall be clear, the following copy of his reply to the Senate resolution is given:

54TH CONGRESS, 1st Session, } SENATE. { DOCUMENT No. 142.

FEBRUARY 20, 1897.—Referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 17th instant, a report from the Secretary of State touching the reply of the British Government in regard to the failure of the negotiations of the Paris Tribunal to protect the fur-seal herd of Alaska.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1897.

The PRESIDENT:

The Secretary of State, to whom was addressed a resolution adopted in the Senate of the United States on the 17th instant, requesting him—

"To furnish for the information of the Senate a copy of the reply, if any has been made, to the letter addressed by Mr. Gresham to Sir Julian Pauncefote, dated 'Department of State, January 23, 1895' (it appears as No. 123, Senate Executive Document No. 67, Fifty-third Congress, third session, pages 160-161), calling the attention of the British Government to the utter failure of the regulations of the Paris Tribunal to protect the fur-seal herd of Alaska, and requesting a revision of the same."

has the honor to lay before the President, with a view to its communication to the Senate in response to the resolution, a copy of the printed volume entitled "Papers relating to the foreign relations of the United States, with the Annual Message of the President transmitted to Congress December 2, 1895, Part I," wherein the paper so requested is found on pages 618-623. It is in the form of instructions addressed to the British ambassador in Washington, under date of May 17, 1895, of which a copy was handed to Mr. Acting Secretary Uhl by Sir Julian Pauncefote on May 27, 1895.

The same volume also contains a response in part to the described note of Mr. Secretary Gresham of January 23, 1895, being a note from Sir Julian

Pauncefote to Mr. Gresham, transmitting copies of a report from the Canadian minister of marine and fisheries respecting the catch of the Canadian sealing fleet in the North Pacific during the season of 1894 (pages 503-608).

Reference may also be appropriately made to Mr. Acting Secretary Uhl's note to Sir Julian Pauncefote, No. 99, of May 10, 1895, reciting and supplementing the considerations advanced in Mr. Gresham's aforesaid note of January 23, 1895, to which at that time no answer had yet been made. (Ibid., pages 610-615.)

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,
Washington, February 19, 1897.

Accompaniment: Volume of Foreign Relations of the United States for 1895, Part I.

In the full understanding of this complete and humiliating failure of the State Department to secure any betterment of these idle, costly, and cruel Paris regulations, Mr. Hamlin, representing the Treasury Department and speaking for the State Department, appeared before the Ways and Means Committee, and, in answer to a question by the chairman, February 18, 1896, he made the following remarkable statement:

The CHAIRMAN. Have you anything further, Mr. Secretary?

Mr. HAMLIN. I wish simply to add that I am informed that negotiations are now pending in the State Department with regard to the appointment of a commission similar to that provided in this bill. I have, of course, no official knowledge on this point. It is purely a State Department matter. I do not know what the present status is. I merely desire to call to the attention of the committee the fact that the matter is now in the course of negotiation between Great Britain and the United States.

The CHAIRMAN. The President says in his last annual message that on the 25th of January, 1896, the subject was presented to the British Government and a request was made to unite with this Government in formulating additional regulations for the preservation of seal life, and the President states in his message that up to the time he sent his message in, no response had been received from the British Government. Do you understand there has been a response received since?

Mr. HAMLIN. Yes, sir; I understand there has been a response to that.

The CHAIRMAN. If that is the case, we ought to know what the situation is. Have you anything further to suggest?

Now, why did Mr. Hamlin give the idea to that committee that he did not know that Great Britain had flatly refused to agree to any betterment of these shameful regulations of the Paris Tribunal? What was his object in holding out to that committee the idea that something of sense and decency was going to be done? Why did he not inform the committee that Mr. Gresham's request for a joint commission and a revision of those worthless regulations had been flatly refused? Mr. Hamlin certainly knew all about it, for he was in constant communication with the State Department, and was the authority for all the figures used in the Gresham, Uhl, and Olney letters which are cited above.

Mr. Hamlin was examined at length before this committee, and was followed by Professor Elliott, who evidently did not take much stock in the success of these negotiations. Although he could not have known anything about these State Department letters at the time, he made the following prophetic answer to Mr. DINGLEY:

Mr. Chairman, I desire, after having listened to Mr. Secretary Hamlin, to say very little upon those points upon which he has touched. He is generally wholly right in saying that the articles of the Paris Tribunal failed to serve the purpose for which they were created. Last year and in 1894 we had the most conclusive evidence of that failure, and that evidence was submitted to Great Britain January 23, 1895, by Secretary of State Gresham, and she was invited to join with us in a joint commission for the purpose of amending and changing those regulations. Up to this hour she has paid no attention to the request. It is perfectly natural that she will not until the last seal is gone. Canada holds this thing in her keeping; she is the only one who beat us at Paris. She is too powerful at the British Court, and she will never let this thing go.

We can write these buttered letters, and I suppose they are passing now between the State Department and Lord Salisbury. They will not result in anything worthy of credit at all until we stop and finally untie our hands, and say to these Canadian butchers, "If you do not listen to decency, we will take this life from you, and take it before you can get it." That is the only argument to use. It is a waste of time to be polite and courteous like Mr. Hamlin. He is courteous, but if he had stood during the last eight years as I have and watched this brutal pelagic destruction he would not think as he does. We never have and we never can do anything by decent argument with these Canadian butchers, and the only way to do is to untie our hands by passing this Dingley bill; then we serve notice on them that their game is up. They know that our hands are tied by the law of 1863 and they are taking these seals to-day; therefore, until we step forward and release ourselves from this position those buttered letters will pass between the State Department and Lord Salisbury until the last seal is gone.

Now, one word about this question of the treaty. Our sole object in making the Paris award was to preserve that herd from slaughter on the high seas. Great Britain agreed with us that it should be saved on the high seas. She entered into this joint agreement with us with the implied faith on her part to us that it would save the herd, and we joined with her, and have faithfully executed the articles of this agreement. They have resulted in accomplishing exactly what they were created not to do. We asked Great Britain, in the light of that treaty faith, to help us to save this life by changing these rules. She refuses. Now, do we violate any portion of that treaty when we go where we have perfect right to take that life, knowing that it is, all of it, now going into the hands of these butchers? I do not understand how any man can hesitate for a moment in saying that we should not allow this disgraceful and indecent exhibition of pelagic seal butchery to continue; for I can not conceive of any reputable man who could get up and ask for it. No Englishman could get up and ask for it, and nobody will but a Canadian butcher. I think this bill should be passed as quickly as it can; it is the only thing to be done to save these seals.

Mr. Elliott very clearly did not know what the exact tenor of those letters to which I have referred was, which he rightly supposed were passing between Washington and London, or had passed; and he is now proven to have been entirely right in his

emphatic reaffirmation at a later point in this examination, where he used the following words:

Professor ELLIOTT. Now, the idea of our standing here and paying annually half a million dollars to patrol the waters of the North Pacific and Bering Sea to facilitate the destruction of our own herd to-day in this indecent manner! This bill of Mr. DINGLEY is an act of mercy; it prevents this hideous torture of starving these young seals to death. It is an act of mercy and an act of decency, and, gentlemen, it ought to be passed to-day; and I think it would meet with acclamation all over the world. Talk about diplomacy and buttered letters! They will not amount to anything; this is a thing that ought to be done at once.

The CHAIRMAN. What is your judgment of the probability under the first section of this act of securing, without the pressure of the last section, from Great Britain, through a commission, some additional regulations that will really protect and save this herd?

Professor ELLIOTT. Nothing as long as such polite, decent arguments like Mr. Hamlin's prevail, but if we pass this bill—

Mr. STEELE. And become indecent?

Professor ELLIOTT. Not at all. We prevent the slow death and painful torture of these tens of thousands of motherless young by starvation on the islands. It is an act of mercy and decency.

Mr. STEELE. That is an act of decency.

Professor ELLIOTT. That is the best part of it. If the Canadians understand that we are going to take these seals—as soon as they find that out they will drop the subject, because it will not pay to go up there next summer. Then and only then they will listen to fair argument. If they find that we can do what we intend to do they will drop this thing at once; but, sir, as long as they know we stand here with our hands tied under the statutes of 1888, which this bill repeals, these sea wolves will stick on to that fur-seal hunt until the last seal is taken.

The emphatic and unanswerable address of Mr. Elliott before this committee February 18, 1896, in favor of the immediate action by Congress in passing the pending bill, so impressed that body that it unanimously agreed to the terms, and this bill was unanimously passed by the House on the 25th of February following; it came over to the Senate and, after full deliberation, the Senate Foreign Relations Committee reported it on March 4 without amendment, and it was made a special order for March 16, 1896.

Why was this bill not taken up? Solely because the State Department had given to certain Senators the idea that it was successfully "negotiating" with Great Britain, and, that being the case, the passage of this bill would "embarrass" the negotiations and probably defeat them.

Mr. Olney had been defeated "horse, foot, and dragoons" August 19, 1895, or six long months before this Dingley bill came into the Senate. He did not inform the Senate of that fact; and until these letters that prove it were published, a few weeks ago, it was impossible to show the utter failure of his efforts to better the shameful order of affairs on the seal islands of Alaska.

Nothing has been done last year; nothing but the useless and idle visit of several naturalists, who have been thrashing over the old seal straw that had been beaten out years ago. The American naturalists say that the present order of affairs is disgraceful and ruinous. The British naturalists deny it.

When the Canadians have taken the last of our seal herd under the existing regulations, they will then talk of revised regulations; and then, even then, they will agree to nothing that does not enrich them at our expense. They can do so if we sit down here and refuse to untie our own hands; they will do so just so long as we permit them.

I contend that if the existing condition of affairs is continued, the Treasury of the United States will not receive a dollar, not even the cost of watching the loss of this property during the next three years, and that at the end of that time there will be no seals left. The existing order of things will continue unless we pass some measure, emphatic in its terms, to dispose of this question. I insist that it is our duty to pass a bill providing for the killing of every seal on the islands unless the British Government will enter into some arrangement for the thorough protection of seal life. It is in the interest of humanity, it is in the interest of national honor to do so, and it is our duty to act at once.

If we send the commission to Alaska again this year it will be more than useless. The sending of a commission to these waters is simply used as a mask to shield the work of the destruction of this property by the Canadian fishermen. We do not prevent the destruction of our property. It is a useless expenditure of money. I think that the continuation of an effort to treat with the British Government longer upon these lines is a national disgrace. I present a table showing the number of seals now upon these islands.

Mr. GALLINGER. Can the Senator state the number in the aggregate without any trouble?

Mr. PETTIGREW. About 400,000. From the best information I can obtain there are about 400,000 seals. The number last year was decreased about 87,000, 27,000 of which were the young pup seals which starved to death upon the rookeries.

Mr. GALLINGER. How much revenue would that yield to the Government?

Mr. PETTIGREW. If they were destroyed at once, it would yield a revenue of over \$4,000,000. The table which I present shows all these facts and figures.

The result of a careful survey of the number of seals left on the Pribilof Islands last summer by the agents of the Treasury Department, headed by Dr. D. S. Jordan, is 450,000 seals of all ages,

from newly born to aged adults. Elliott left 1,000,000 there in 1890, and 4,500,000 in 1874.

An expert analysis of the value of the residuum of the fur-seal herd, as it is left on the seal islands (Pribilof group), season of 1897-98.

NUMBER OF SEALS.

Class A—Male fur seals, 2 years old and upward	20,000
Class B—Male fur seals, 1 year old	50,000
Class C—Female fur seals, 2 years old and upward	180,000
Class D—Female fur seals, 1 year old	50,000
Total	300,000

VALUE.

(Markets of London, 1897-98, very much depressed, and quotations below are lower than normal.)

Class A—Average for single skins if killed on islands	\$20.00
Class B—Average for single skins if killed on islands	10.00
Class C—Average for single skins if killed on islands	15.50
Class D—Average for single skins if killed on islands	10.00

PELAGIC VALUES.

Class A—Average for single skins, shot or speared	\$10.00
Class B—Average for single skins, shot or speared	4.50
Class C—Average for single skins, shot or speared	10.00
Class D—Average for single skins, shot or speared	4.50

RECAPITULATION.

Value of fur-seal residuum if the herd is killed on land, season of 1898, to the public Treasury.

20,000 seals, class A	\$400,000
50,000 seals, class B	500,000
180,000 seals, class C	2,790,000
50,000 seals, class D	500,000

Total value of residuum of Pribilof herd

Value of this residuum to the pelagic hunters.

If only class A seals are killed on land, as has been the rule up to date, then the female and yearling male residuum will be worth to pelagic hunters about as follows (market price remaining low as at present):

Catch of 1898—35,000 to 40,000 seals (chiefly class C)	\$300,000
Catch of 1899—30,000 to 35,000 seals (chiefly class C)	250,000
Catch of 1900—20,000 to 25,000 seals (chiefly class C)	180,000
Catch of 1901—will be a failure to secure 5,000 seals.	

If the existing order of affairs is continued, the Treasury of the United States will not receive a dollar beyond the cost of watching the loss of this property during the next three seasons.

The existing order of affairs will continue unless the Dingley bill is passed at once by the Senate.

Commissions like the one which the pending bill continues are worse than useless. They are shams, and only serve to mask the shame and misery and robbery of the Canadian work. They do not check it in the least, and only provoke the derision of the pelagic hunters.

The whole business as it is now conducted is a reproach to our Government and an imposition upon the Treasury.

PELAGIC, 1896.

Seal skins sold for an average of £1 10s. 4d., or \$7.58 apiece.

They cost the captors \$1 to \$2 apiece, according to size.

They cost for transportation, vessel charges, etc., to London and sale, \$1.50 to \$2 apiece.

A total average cost of \$4 to \$4.50 apiece leaves a profit of \$3 per skin.

Mr. PERKINS. Mr. President, I hope the amendment proposed by the committee will be adopted. If the proposition to kill off the seals is intended as a bluff, if I may be permitted to use a Western slang term, it is unbecoming a great nation, and it would subject us to ridicule which we would properly merit. If it is proposed, as a line of action whereby we intend to be governed, to kill the seals because we can not take them and put the value of their product into our own coffers, then I say it is a confession on our part that as a Government we are incompetent to deal with a great question of this magnitude. It is unbecoming in us as a civilized nation. The reason why I favor the adoption of the amendment proposed by the committee, which authorizes the Secretary of the Treasury to continue in service a scientific commission to investigate this question, is because the commission appointed one year ago under the act similar to this amendment has been productive of the greatest benefit to us. Under that law, which was passed by Congress one year ago, it was provided that the Secretary of the Treasury should provide for the employment of persons "to conduct a scientific investigation during the fiscal years 1896 and 1897 of the present condition of the fur-seal herds on the Pribilof, Commander, and Kurile islands in the North Pacific Ocean and Bering Sea." It then went on further to define their duties.

Under that resolution the Secretary of the Treasury appointed Dr. David Starr Jordan, president of the Leland Stanford Junior University, of Palo Alto, in California, one of the most distinguished scholars of the day, a scientist equal to the brightest in this or any other nation. He took as his assistants upon that commission, who were detailed for that purpose, two distinguished scientists connected with the United States National Museum, Leonhard Stejneger and Frederic A. Lucas. They went on board

the United States Fish Commission vessel *Albatross*. The Canadian Government and the British Government accepted the invitation proposed by our Government.

They placed at our disposal the results obtained by their commissioners, as did the Canadian Government, although the investigations carried on by the commissions appointed by those two Governments were entirely independent from those of our commission. Their commissioners were men of national and international reputation as scientists. D'Arcy W. Thompson, of the University of Dundee, and Mr. Gerald E. H. Barrett-Hamilton, of Dublin, were commissioners for Great Britain, and Mr. James M. Macoun and Mr. Andrew Halkett, of Ottawa, were commissioners for Canada.

They were absent some two months upon this commission, and in this preliminary report made by Dr. Jordan, which I hold in my hand, there is a detailed account of their work. It has been productive, I say, of more good than any scientific expedition ever sent out by any Government that did not cost more money than this one cost our Government. Their instructions were fully and in detail given by the Secretary of the Treasury. I will read only one clause, as I do not wish to weary the Senate. It says:

The principal object of this investigation is to determine by precise and detailed observations, first, the present condition of the American fur-seal herd; second, the nature and imminence of the causes, if any, which appear to threaten its extermination; third, what, if any, benefits have been secured to the herd through the operation of the act of Congress and act of Parliament based upon the award by the Paris Tribunal of Arbitration; fourth, what, if any, additional protective measures on land or at sea, or changes in the present system of regulations as to the closed season, prohibited zone, prohibition of firearms, etc., are required to insure the preservation of the fur-seal herd.

This report goes on in detail to recite and give a daily journal of their observations. They have collated and presented to the country the habits of the seals and the conditions on the islands where the seals migrate during the summer months, how they return, and how the poachers have made prey upon them. The result is summed up here in a few words by Dr. Jordan. He says:

That the way is open to a permanent, honorable, and amicable adjustment the present writer does not doubt. The facts in the case no longer admit of cavil. The high character and unquestioned ability of the commission of investigation appointed by Her Majesty's foreign office in 1896 afford a guarantee of judicial fairness in any future action of the British Government.

I am informed by private sources that the commissioners are in full accord with Dr. Jordan's views upon this great and important question not only affecting the interest of our country, but the commerce of the world, for every seal skin that is taken and sent to the market produces that much more of value and benefit in the great commercial markets of the world, as well as the useful employment afforded to the persons who take it and cure it. Dr. Jordan sums up his criticism as follows:

I may here express my feeling that the monstrous proposition to destroy the seal herd because it has been injured by pelagic sealing ought not to be considered for a moment. It would be a confession of impotence unworthy of a great and civilized nation. Its result would be to transfer to ourselves any odium which has deservedly fallen upon those who would recklessly destroy a most useful and a most interesting race of animals.

There is the testimony of one of the leading scientists of the day. Mr. President, it should weigh in the scale of our calm and deliberate judgment against the theoretical proposition of some one who has imagined that we are suffering our honor to be tainted because some British vessels have on the high seas taken herds of seal that belong, we claim, to us. But if all our efforts fail, if we can not come to an amicable arrangement with Great Britain and Canada and Russia in reference to the zone where the fur seals inhabit and where they migrate to and from, and can not arrange with those countries so as to protect the seal, we have a plan whereby we can preserve them ourselves.

It is like the old Spanish Don who has his great cattle ranch. He brands his cattle and they go off into other places, and if they are taken by others the skin belongs to him and they are accused justly and convicted of felony. But imitating that, we can do what is more practical. The seal feed upon the water and after gorging themselves with fishes and animalculæ they sleep and float upon the waters. In that condition the poacher approaches them and with spear or gun he takes them. He does it because he wants the fur skin, which is valuable, and in doing that, as the Senator from South Dakota [Mr. PETTIGREW] says, he has destroyed perhaps the females which are on the islands considered sacred and are never permitted to be taken by our Government agents who are there to protect the interests of the Government in the seals.

It has been proposed by practical men who understand the fur seals, their habits, ways, and customs, that by branding the female seals the fur skin becomes worthless. It does not injure the animal. The result is that the incentive which is given to the poacher to go clandestinely and take the seals upon the high sea no longer exists, for there is no profit in the enterprise to him. Then by herding the male seals upon the islands for a few months

or weeks we have nothing to fear from the poachers, for it can no longer become to them a profitable venture or enterprise.

So far as it has cost our Government for patrolling the seas we have our revenue cutters. The responsibility of caring for our crews and their equipment is just the same whether anchored in the placid waters of Puget Sound or San Francisco Bay or sailing upon the ocean. The only difference is in the fuel they consume. They should go to sea. They should patrol those seas, not only to prevent poachers from taking the fur seal, but for the purpose of preventing smuggling into the States of our country and the Territory of Alaska.

The fur seals of Alaska have been a profitable venture to the Government. From 1870 to 1890 the Government received in royalty for seal furs over \$6,000,000, and to-day our contract with those who are leasing the islands is \$60,000 per annum and \$9 for every fur seal taken. If they have not paid, as the Senator from South Dakota charges they have not, surely they are indebted to our Government and the officers of the law have not enforced it.

Mr. PEPPER. How many seals are there now?

Mr. PERKINS. Dr. Jordan estimates that there are from 350,000 to 400,000 seals that they have already counted there. I have not been through the report in detail, but it is very, very interesting.

With this light before us, Mr. President, I say it would be unwise and impolitic for this Government to discontinue this paltry appropriation of \$5,000 and not adopt the amendment offered by the Senator from South Dakota. We should be animated by higher motives than the little boy who said that if he could not have the candy himself he would spoil it, so that no one else could eat it. This is a great enterprise, and I should blush with shame for my country's honor if we should publish here that because you have been taking seals that we think belong to us, or that the result of the arbitration commission with England was not what we hoped or expected it would be, then we will kill off the seals, and nobody shall have the benefit of them.

Mr. GALLINGER. Is Professor Jordan's report a public document?

Mr. PERKINS. It is. It is entitled *Observations on the Fur Seals of the Pribilof Islands; Preliminary Report*. I succeeded in receiving an advance copy only yesterday.

Mr. GALLINGER. It is published by the Government?

Mr. PERKINS. It is published by the Government. I want to repeat, that he as authority is second to none in this country, and he is recognized as the peer of the scientists of other countries.

I do not wish to weary the Senate; but I am somewhat familiar by my long personal observation with the habits of the seals. I have been in the Bering Sea time and time again. I am familiar with our great possessions in Alaska, and therefore I can not refrain from replying to my friend from South Dakota, who, I think, has never been to any of those islands, and who, as I know, is animated, as he says, by philanthropic purposes that the poor young seal pups may not perish. I think we can find philanthropic work to engage our attention at home, caring for the poor dumb beasts here, and let the seals go for one year more. I hope the committee amendment will be adopted. I have before me a letter, received a few days since, from Dr. Jordan, in which he says:

England shows every indication of a desire to do the fair thing. This intention is especially clear in the fact that she has sent an honorable commission, which is familiar with all the facts ascertained by us, the head of the commission having been with me every day throughout the summer, and he and I being in agreement on all questions of policy as well as on all matters of fact, so far as was developed by our conversations during the expedition.

Mr. PETTIGREW. Mr. President, let us see what the situation is that we have to contend with. In 1893 we made an agreement, or, rather, we had a tribunal meet at Paris, and they made certain regulations or formulated certain provisions by which it was proposed to protect the seal life in those waters, and it was made unlawful to kill any seals within a circle of 60 miles about the island. We supposed that that would protect the animals; that the limit of 60 miles would give them a sufficient area in which to fish and feed their young. After those arrangements were made we found that the fish were not within the 60-mile circle. We found that one of these animals can swim 20 miles an hour at sea. We found that they go 200 miles from the island for fish, and they leave their pups upon the island. Each year since 1893 not less than 20,000 of the pups have starved to death because their mothers were killed at sea.

Now, the proposition is made to continue this condition until they all disappear. The proposition is made that the seals shall be killed one year after another, while their children starve to death, and thus serve the purposes of humanity. The simple proposition is, that we shall provide that if the British Government will enter into an agreement to protect this seal life they shall be protected, but if they will not we will destroy the entire life at once, and prevent this disgraceful scene of starvation; that is all. It seems to me it far more accords with the sentiment of philanthropy that this should be done than that the spectacle should be

exhibited to the world of the starvation of the pup seals each season. Let us see what Mr. Jordan says about this matter:

SEALS KNOWN TO HAVE DIED ABOUT THE ISLANDS OF ST. PAUL AND ST. GEORGE FROM VARIOUS CAUSES, SEASON OF 1896.

Cows found dead on rookeries.....	131
Bulls.....	23
Bachelors.....	3
Pups, from trampling, drowning, straying, etc.....	11,045
Pups, from starvation.....	16,019
Bachelors (quota).....	30,000
Pelagic catch.....	29,398
Total.....	86,624

The same thing will go on during the coming season, and what is Mr. Jordan's remedy? It is that we shall brand the female seals, so that the poachers will not capture them, because then, I suppose, the seal skins will be worthless. In the first place, perhaps it would be well to describe how the seals are killed. They employ Indians and white men who are expert spearmen. Only a few days ago a large number of the most expert spearmen in the world, who had been engaged in spearing porpoises in the Northern Atlantic, were taken across the continent to join the sealing fleet this year and engage in the business of the Canadian poachers. They go out in small boats and spear the seals. I suppose that Professor Jordan would have the seals come up to the boat and be looked over to see whether they were branded before the spearing operation was performed. The proposition is simply ridiculous.

Mr. President, this is our property, and if we have not courage enough as a people to protect it, if we have so much time to make arbitration treaties with Great Britain while this property is being destroyed and our fleet gather around the island and officially look on and see it done, it seems to me we had better remove the cause of irritation and take the property ourselves.

Mr. MORGAN. Mr. President, having been one of the board of arbitrators that settled, or supposed they had settled, this seal question, I have always had a delicacy in discussing it in the Senate, because it is the judgment of that board that seems to have led to the difficulty.

The board of arbitrators, in fixing the boundary within which seals should not be captured around the Pribilof Islands, adopted a 60-mile limit. Mr. Blaine, while Secretary of State, before the board met, had offered to the British Government to settle all of the controversy in regard to fur-seal fishing if they would agree to a 30-mile limit around those islands. As a matter of course, the arbitration was a little embarrassed by that offer of the American Government. It did not then appear, nor do I believe it appears now, that the female or mother seals, after their young had been born on this group of islands, would go 60 miles outside of the limit of those islands for the purpose of feeding. It is very true that by the evidence, which at the time we were investigating this subject was very meager, although there were 1,100 witnesses examined, it did not appear that the fish upon which these seals fed changed their feeding ground. The fish assemble in Bering Sea in very large quantities. Enormous masses of fish assemble there, and the seals of course follow them up and feed upon them. The fish change their feeding grounds, it now appears, sometimes as much as 150 miles away from the island, but before the commission met it was generally believed, and it was so testified by a great many witnesses, that the feeding of the seals was done somewhere within 30 or 40 miles of the island.

It may be that the trouble we have reached in this case has been due entirely to the migratory habits of the schools of fish; that they changed their feeding grounds and have therefore gone outside of the 60-mile limit, and the seals have followed them outside of the 60-mile limit, and there they have fallen within the reach of the spears and guns, or spears now, of the pelagic hunters. If that is true, it is something that can not be provided for in any other way than in the method Russia provided when she had possession of the Bering Sea.

I feel that the Government of the United States occupies an awkward predicament about this business, and I think that the attitude that we now hold toward it is one that has resulted from the mistake of the State Department and of the Treasury Department in insisting that the Government of Great Britain would join with them in regulations which were calculated to execute the decree or the award of that arbitration. That is where I believe the trouble is now and has been all the time since the award was delivered.

To run over the facts about this matter very briefly, Russia, for one hundred years before we got the ownership of those islands from her, had policed Bering Sea, which is almost an inclosed sea, and had kept out of it all intruders who might be there for the purpose of capturing the sea otter or the fur seal. No government in the world objected to it, and Russia exercised a free hand in the protection of the interests of her people and her Government in the Bering Sea waters.

That was the condition of this question at the time we acquired the ownership of those islands. It was something like twenty or twenty-five years later than the treaty of 1824 between Great

Britain and Russia in regard to the right of fishing in the Bering Sea. That right at the time was directed to and was really confined to the whale fishing, and not to the fur-seal fishery, for the fur-seal hunting at that time was not designated as a fishery and never was so designated until by some unfortunate use of language that phrase was put into the treaty of arbitration.

Now, there was Russia occupying Bering Sea with her power of policing those seas for the purpose of protecting that great industry on the islands, which is of such a peculiar nature that it can not be protected in any other way than by exercising over Bering Sea a police jurisdiction, and you have got to take in the whole of that sea in order to make the policing effectual.

Russia gained in this way a prescriptive right by the common consent of the nations of the world thus to regulate and thus to protect that very important industry upon those islands, and she, following that prescriptive right, excluded all nations from that privilege, and nobody objected. The United States, however, became the purchaser of Alaska and of the Pribilof group of islands, the Aleutian Peninsula, and all that vast and very valuable body of land lying on the northwest of the Canadian Dominion. There is no doubt that in this acquisition the Government of the United States very greatly excited the jealousy and the anger of the British Government. The moment we took possession of the islands, and before we had even an opportunity to pass a law for their protection, the Canadian pelagic sealers went in there and commenced raiding the seal herds not merely upon the sea, but also upon the land, and in the first year of their raiding they destroyed 300,000 seals of that herd.

Thereupon Congress waked up and commenced providing very stringent legislation, applicable not to our people alone, but to all people, forbidding pelagic hunting anywhere in Bering Sea and within our limits, and our limits run on a line of longitude far to the west of the Pribilof Islands. In the exercise of the duty devolved upon the Executive by that act of Congress, some twenty-four or twenty-five ships which were out there violating that statute were seized—the first ship seized being an American ship owned in San Francisco; and so he followed on afterwards until we had seized and confiscated several of our own ships. But some twenty-two ships of Great Britain were seized and held subject to confiscation, and some of them were confiscated for violating those statutes of the United States.

Thereupon arose a controversy between Great Britain and the United States as to the international, or the oceanic rights, I will call it, of pelagic fishing, as they term it. They claimed that all of the open waters of the world were open to their fishing, that they could go anywhere they pleased to catch fish in any part of the sea the world round, and it was their privilege secured to them under the laws of nations. We denied it. We put our denial upon the ground, first, that we had a property in the seals themselves growing out of the peculiar habits of those animals which amounted to domestication, that in consequence of their natural habits they were really domestic animals and belonged to the Government of the United States, and in that ownership our Government excluded not merely the citizens of other nations from destroying these animals or capturing them, but prevented our own people from capturing them. The laws enacted were in the nature of game laws, and they applied to all the people in the world, our own included.

The controversy got to be a very sharp one. Vessel after vessel was captured and carried into our ports for confiscation. Thereupon the two Governments, finding themselves unable to settle the controversy, resorted to the favorite and famous project of arbitration.

At that time there was a strong party in the United States who demanded that the Government should plant itself squarely upon the same rights that we had acquired from Russia and vindicate them by the strong arm of power, if it was necessary to be done. There was another party in this country that you might call the business interests party, or the peace party, who contended that that great subject should be submitted to arbitration.

Thereupon the two Governments agreed to a treaty of arbitration, accompanied with a *modus vivendi*, which lasted, first, until they could make the treaty, and then lasted afterwards until the treaty could be executed by getting the award from the tribunal. They formulated a submission. They compelled the Tribunal of Arbitration, instead of insisting upon the rights of America that were peculiar to her, to plant themselves upon the international law, and when we came to look through the international law, which was the guide of our action, we found no precedent, and in the international law, if you find no precedent, you find no law, for the international law is nothing more nor less than an aggregation of precedents growing out of the practice of nations. There was the commission then chained down to the international law without a precedent, Great Britain claiming the universal right of fishing and we denying it upon the basis that the property was of such a peculiar character that the fishing laws did not apply to it. Well, as is usual in such cases, where the arbitration is made up of European arbitrators, the decision was against us, and it

will be so every time. This is the "advance agent of prosperity" on the subject of arbitration.

We find ourselves here to-night discussing the question whether we shall destroy these seals in order to get rid of that question, on the one hand, or whether we shall brand the female seals in such a way that the pelts, when taken, will be of no value, and therefore the industry will cease. Has all this resulted merely from that decision? It has not, because that commission, in forming rules and regulations for the government of pelagic hunting, went outside of international law and established such regulations as they believed, upon the evidence of 1,100 witnesses at the time, would be effectual to prevent any hunting of any important character, at least in Bering Sea; they forbade the use of firearms in Bering Sea in the destruction of seal life. They also limited, as I have said, a territory there of 60 miles, reaching out into the ocean in every direction from these islands, within which nobody, not an American citizen or anybody else, could be permitted to kill a seal under any circumstances, and that was supposed at the time to be an ample protection.

Was it? It was, if the Government of Great Britain had exercised common honesty in the execution of the award. She turned the Canadians loose upon our property there and from the moment we acquired possession, and when our statute was passed to protect that property against our people and her people, she denied their authenticity under the law of nations. We had a controversy about it; we had arbitration; we got the award; we got the regulations pledging each Government to enact statutes and to make subordinate regulations for the purpose of executing this general decree; and now what is the result? Here we are lamenting that the award was made, and trying to find some way of escaping from it. We first tolerated this state of facts, that while we were keeping eight or ten—as many as ten ships in that country—policing those seas, Great Britain has never furnished but one, and that ship stayed in the harbor at one of those Alaskan ports for more than two-thirds of the fishing season that she was sent out to protect.

Here is a Government now professing an earnest desire to protect these fur seals, uniting with us in an award. The award is rendered, requiring her to join with us in regulations for the purpose of protecting the seals; but when we come to the test Great Britain declines to do it. She made regulations during one season, and then declared that she would make no more; that she would not go any further in the direction of trying to protect those fur seals in the execution of that award; and here we find that the first difficulty that arises really between the United States and Great Britain, requiring action on our part, is a difficulty arising out of the nonexecution of an award. It is my deliberate judgment that if we get a general arbitration covenant with Great Britain, or with any other power, agreeing in advance to arbitrate all questions, the result will be just what is shown on this floor to-night—that we shall have more trouble in executing the award than we had in getting it, a great deal more.

There is to-day more danger of disturbance of friendly relations between the United States and Great Britain for her failure to execute that award than there ever was in the seal question when it first originated. If the Government of the United States had planted itself where it took ground in the beginning of Mr. Cleveland's Administration, upon the declaration then made of its right to seize and hold and confiscate the pelagic sealers there, and had maintained it, there would have been no fur-seal question disturbing us to-night, and we should have millions of fur seals instead of hundreds or thousands—a very valuable industry, one that ought not to be allowed to perish for the sake of civilization, for the sake of taste, and, above all, for the sake of a class of animals who have a peculiar domesticity imposed upon them by nature, which leads them to shelter upon those islands during the summer months, and makes them more dependent upon the protection of man than the cattle which range across the prairies of this country.

Well, here we are. I do not think that either of the expedients which have been offered here to-night are at all valuable. The destruction of the seals, however, in order to escape from the difficulty, strikes my mind with abhorrence. I can not realize the thought at all that it is proper in the United States Government to go and destroy the seals absolutely, and forever destroy that species of animal.

Mr. CARTER. On that point I should like to ask the Senator, who has given much thought to this matter, if the destruction of seal life would not at the same time destroy the only means of livelihood possessed by the Indians on the Aleutian Islands, and thus render them solely dependent on the charity of the Government?

Mr. MORGAN. They are dependent now on the charity of the Government. We have taken the subject out of their hands, and, if I may so say, consecrated by law this entire seal family or seal species as a resource of the Treasury. There is no citizen in the United States, not even those people who live in the Aleutian Islands, or any other person, who has a right to kill a seal. That

is done entirely under the authority of the law and by the agents of the United States, and, if it is not done in that way, it is done unlawfully.

Mr. CARTER. But if the Senator will permit me, is it not true that the Alaskan Fur Seal Company have a contract with the Government, whereby they are permitted to kill a certain number of seals annually; and do not they employ the inhabitants of those islands almost exclusively in the work to be performed, and allow them of the seals killed certain portions for sustenance?

Mr. MORGAN. That is very true, and an important part of their support is the flesh of a certain class of seals that they eat during the killing season. We, by taking possession of those seals and declaring Government ownership over them, have come under an obligation to which we have always been faithful, of supporting those people; and it has cost a good deal of money to support those Aleuts up there, who have been engaged in seal hunting heretofore, and have lived largely on the products of their fisheries and hunting.

Mr. President, to return to the point I was making, one proposition offered is to destroy the seals absolutely. That looks like cutting off your nose to spite your face; it looks as if it were a timid way of treating a question of this kind, unbecoming to the United States; and it is cruel, if cruelty to animals enters into the consideration at all, because it destroys a very useful, a very innocent, and a very attractive species of animal. I do not know that I would vote for a law which would destroy any class of animals capable of contributing to the comforts and elegancies of life, and to the sustentation, incidentally, of the people who depend upon this thing for their livelihood. I do not think that I could vote for such a bill as that.

Then the idea of branding them and sending the females out is only to deter the pelagic hunters from killing the seals, because if killed, the pelt would be of no value. I think that would be a very difficult thing to do, and would lead to great complications and great troubles.

The thing to do is this: Let the Government of the United States require of Great Britain to carry this contract out in good faith. Why are we dodging and shying around the question all the time, when we know it is her fault, her deliberate fault, in refusing to execute the award according to its terms and its spirit also that this trouble has arisen. Great Britain, if she is in earnest about this, and honest or sincere about it, will come forward and join with us in good faith in executing this award. She does not do it. She sits by there and encourages this traffic, encourages it in every way. When we have seized vessels and confiscated them, Great Britain, in order to prevent her subjects in Canada from losing anything and from being discovered in pelagic hunting, actually voted the money and paid the cost. Those vessel owners now demand of us an arbitration. While we had them under condemnation, the Dominion Government voted the money and paid those people for those raids upon us; and it is now demanding the money back, and I suppose under existing circumstance will get it.

What are we to think of the attitude of the Government of the United States seizing over twenty-two British ships and carrying them into port for confiscation; and then they got us at last, when the pressure got to be pretty heavy and the resistance was somewhat strong on the part of Great Britain, where we would seize a vessel and put it again in the possession of its own captain and tell him to go back to one of his own ports and report there to the British authorities?

We would seize him and then abandon him. Here is where our spirit failed, and there is where the blunder was committed. We ought then, in the beginning of this controversy, to have stood by our statute, which is yet unrepealed on the statute books, and we should have declared that it was the duty of this Government, which involved its honor, to see its laws executed in that Bering Sea.

Now mark, if you please, the march of conviction on this subject of prescription rights. When I was in the Bering Sea Tribunal, and his honor Judge Harlan was there, I made the point that we were protected by prescription in our rights, and that it was a good doctrine of international law. Well, when we came to look through the international law, we could not find a precedent. We could find the principle everywhere in the municipal laws of all countries, in the common law of England—which is common to Great Britain and the United States—we could find the principle there, but we could not find any decision under international law sustaining the doctrine of prescription. When, however, we got to dealing with Venezuela, our Government insisted that the doctrine of prescription should come in, and Great Britain consented to it, making the prescription fifty years instead of sixty-five, you observe, so that the line that had been run by Schomburgk, and upon which Great Britain also planted herself, should necessarily become the line of division between Venezuela and Great Britain.

So the doctrine of prescription has come into being, and will determine that question in Venezuela; but it could not be tolerated

that it should have any effect upon American rights in Bering Sea when we succeeded by purchase to the rights of Russia, although Russia had exercised this power without denial for a century before we got in there.

That is the picture; that is the situation. I think, Mr. President, that in continuation of the examination which has been heretofore made, which seems to have been very successful in ascertaining the actual situation in the island, the amount of seal life there is there and the losses that are being sustained—21,000 pups perishing there on the shore in a season—I think we had better continue this commission for the purpose not only of informing ourselves, but of informing Russia and France, who are interested in this question, and the whole civilized world as to the conduct of this peace-loving, arbitration-seeking Government of Great Britain. We had better continue it and get some more information. It involves only an expenditure of six or eight thousand dollars, I believe, and the labors bestowed there seem not to have been entirely completed.

I think the true policy for us now to observe is to continue that investigation, and then I do hope that the incoming Administration will have the fortitude—if I may use that expression in connection with such a subject—to insist that Great Britain shall comply with that award, and shall assist faithfully in its execution. If that is done, in my opinion we shall have no more trouble about the fur seal. By the time Great Britain is compelled to go to the expense of keeping a fleet there—such a one as we keep there—to protect the fur seals against the raids of her own people, then, perhaps, Great Britain will change her policy on that subject and conclude at last that it is best to let us alone. But we are peace seekers, or we have got to be since the beginning of the last Administration, when we shrank from a duty that we entered upon so boldly. We have got to be a nation of people who are all the time seeking shelter and cover. In other words, we are taking that attitude which was taken by an unfortunate class of American people in the time of the Revolutionary war, who sought British protection. I do not want any British protection; I want American protection. I want the rights of these people as they are guaranteed to us by the laws of nations and also by the award of that tribunal faithfully executed. I am in search of information now, in order to plant our feet upon firm ground, so that this incoming Administration may be able to demand of Great Britain that she shall perform her duty. Therefore, I am in favor of the Senate amendment.

The PRESIDING OFFICER. The question is on the amendment which has been read.

The amendment was agreed to.

Mr. ALLISON. I believe the amendments which were passed over have now been acted upon.

The PRESIDING OFFICER. The Chair so understands.

Mr. ALLISON. On page 5, line 12, after the word "expedient," I move to insert the word "and;" so as to read, "shall deem it expedient and in the interest of the public service."

The amendment was agreed to.

Mr. ALLISON. I move, in line 14, of the same clause, to insert the word "and" after the word "brick;" so as to read: "the substitution of stone for brick and terra cotta in the public building now in process of construction at Racine, Wis."

The amendment was agreed to.

Mr. ALLISON. On page 63, line 21, I move to strike out the word "reappropriates" and insert the word "appropriates;" and in line 22 to strike out the words "and twenty-five;" so as to read: "which appropriates the sum of \$100,000 for the survey of public lands within the limits of land grants made by Congress to aid in the construction of railroads," etc.

The amendment was agreed to.

Mr. ALLISON. On page 68, line 4, after the words "United States," I move to insert "including the collection of statistics of gold and silver;" and in the same line to strike out "twenty" and insert "forty-five;" so as to read:

For the preparation of the report of the mineral resources of the United States, including the collection of statistics of gold and silver, \$45,000.

The amendment was agreed to.

Mr. ALLISON. On page 88, line 13, after the word "Buffalo," I move to insert the words "including necessary observations and investigations in connection with the preservation of such channel depth."

The amendment was agreed to.

Mr. ALLISON. On page 94 I move to insert the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 94, in line 6, after the word "dollars," it is proposed to insert:

Provided, That the Secretary of War may carry to completion the present project of improving the falls of the Ohio River and Indiana Chute Falls, Ohio River, by contract, as provided in the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which became a law June 3, 1896; or the necessary materials may be purchased, and the work done otherwise than by contract, in his discretion, if more economical and advantageous to the United States.

Mr. ALLISON. This is an amendment which was proposed by the Senator from Missouri [Mr. VEST] as a proviso to this appropriation, which has been reported from the Committee on Commerce, and it is the wish of the Engineer Department that it shall be inserted in the bill, in order that they may carry on this work otherwise than by contract, if they shall desire to do so.

Mr. LINDSAY. I ask the Senator from Iowa whether that would still leave the limit at \$300,000?

Mr. ALLISON. The amendment does not change the amount appropriated.

The amendment was agreed to.

Mr. ALLISON. On page 97, after line 9, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 97, after line 9, it is proposed to insert:

The unexpended balance of the appropriation for the improvement of the Suwanee River, in Florida, may, in the discretion of the Secretary of War, be expended for deepening the west pass of the Suwanee River at its mouth.

The amendment was agreed to.

Mr. ALLISON. On page 73, line 10, after the word "transportation," in the clause making appropriations for reindeer in Alaska, I move to insert "whether by a vessel of the United States or otherwise."

The amendment was agreed to.

Mr. ALLISON. On page 86, after line 10, I move to insert as a separate paragraph what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 10, on page 86, it is proposed to insert:

To enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the Lafayette or State road in Georgia from Lee & Gordon's mill, in that State, to the town of Lafayette, \$26,000.

The amendment was agreed to.

Mr. ALLISON. On page 90, after line 4, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 4, on page 90, it is proposed to insert:

The Secretary of War is hereby directed to cause to be made a survey and estimate of cost of deepening and widening the straight channel in Maumee River and Bay, with a view to obtaining and permanently securing a channel of a uniform width of 400 feet and 20 feet deep at low water, the cost of said survey to be paid out of money already appropriated for the improvement of said channel.

The amendment was agreed to.

Mr. HOAR. I move to insert after line 3, on page 56, what I send to the desk, which will be agreed to without any objection, I am sure.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 3, on page 56, it is proposed to insert:

To enable the attorney to send copies of all acts of Congress to all judges of United States courts and the Territories, \$100.

The amendment was agreed to.

Mr. HOAR. On page 125, line 2, after the word "dollars," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 125, line 2, after the word "dollars," it is proposed to insert:

That the President, with the advice and consent of the Senate, shall appoint three commissioners, whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States. That they shall proceed with their work as rapidly as may be consistent with thoroughness, and shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they shall see fit to the Attorney-General, to be laid before Congress at his discretion. That their report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change. That each of said commissioners shall receive a salary of \$5,000 a year, which, as also a sum sufficient to pay the expenses of the commissioners, to be approved and certified to by the Attorney-General, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. MILLS. I offer an amendment to come in after line 22, on page 103.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 22, on page 103, it is proposed to insert:

That for the purpose of ascertaining the character and value of the improvements made at the Pass of Aransas, on the Gulf coast of Texas, by the Aransas Pass Harbor Company, a board of three engineers shall be appointed by the President from the Engineer Corps of the Army; and such board shall personally make examination of the work done by said company for the purpose of deepening the channel and removing the bar at or near said Pass of Aransas. It shall be the duty of the board so constituted to report the depth of water upon the bar at the time of their examination; the character of the work done and the cost of same; the character and cost of any unfinished work contracted to be done by said company; the probable result upon the deepening of the channel across the bar of any work contracted for or contemplated by said company, but not then finished; the value to the Government of all work done or contracted to be done by said company for the purpose of deepening said channel or removing said bar, and such other information as they may deem essential to be known to Congress in making future provision for the purchase of said works by the United States Government. Said board shall

report the result of their investigation to the Secretary of War on or before the first Monday in December, 1897, and the Secretary shall immediately transmit the report to Congress; and \$5,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the said board and for the services of the said engineers, the amount of such compensation for said services to be fixed by the Secretary of War.

The amendment was agreed to.

Mr. FRYE. As chairman of the Committee on Commerce, I desire to offer three or four amendments for absent Senators. The Senator from Florida [Mr. PASCO] is detained from the Chamber by ill health, and on page 89, after the word "dollars" in line 2, in the appropriation for improving Cumberland Sound, Georgia and Florida, I move to add the words "be immediately available."

The amendment was agreed to.

Mr. FRYE. On page 97, after line 16, I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

That the Secretary of War be, and he is hereby, authorized to investigate the extent of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and to perform such experimental work as he shall deem necessary to determine some suitable and feasible plan or method of checking and removing such obstacle, so far as it is a hindrance to interstate or foreign commerce, and to report the results of such investigation and experimental work; and the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated to pay the cost thereof.

Mr. FRYE. After the amendment just adopted, I move to insert what I send to the desk.

The SECRETARY. After the amendment just adopted, on page 97, it is proposed to insert:

That the Secretary of War be, and he hereby is, directed to cause a survey to be made to examine into the feasibility and advisability of the improvement of the waterway beginning at a point at or near the site selected for Lock No. 13, on the Warrior River, and continuing up Valley River from its mouth, following the general course of said stream, to Bessemer, Ala.; thence up the valley to Birmingham, and beyond, to Five Mile Creek, at a point where sufficient head can be obtained to supply water for that part of said route between Five Mile Creek and Bessemer, Ala., so as to secure a channel to have a minimum depth of 6 feet and be at least 50 feet in width at the water line, and to ascertain the cost of such improvement; and the cost of such survey shall be defrayed from the unexpended balance of the funds heretofore appropriated for the improvement of the Black Warrior River from Tuscaloosa to Daniels Creek.

Mr. HALE. Let me ask my colleague whether that is a case of a continuing contract?

Mr. FRYE. No. It provides for a survey. It is practically nothing but a survey.

Mr. HALE. For an entirely new work?

Mr. FRYE. No; it has been surveyed before, but this is connecting with the Tombigbee River the river which runs from Birmingham down.

Mr. HALE. It is a provision for such a survey as is ordinarily put on the river and harbor bill.

Mr. FRYE. Such surveys as are ordinarily put on the river and harbor bill.

Mr. HALE. This will be a pretty good river and harbor bill.

Mr. FRYE. I am inclined to think it will be.

Mr. HALE. I think so.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. FRYE. I am instructed to offer the amendment which I send to the desk.

The SECRETARY. Following the amendment which has just been adopted, it is proposed to insert:

For the purchase of a dredge boat for use in the harbor improvement at Sabine, Tex., \$100,000, and for the expense of operating the same during the fiscal year ending June 30, 1898, \$30,000; in all, \$130,000.

Mr. ALLISON. I understood that was to be a proviso to the appropriation for Sabine Pass.

Mr. FRYE. That it should be paid out of the main appropriation?

Mr. ALLISON. Yes.

Mr. FRYE. No; the committee cut that down \$100,000. I did not intend to offer it in that way. The Senator misunderstood me, if he thought I did.

Mr. ALLISON. This is a separate and independent appropriation?

Mr. FRYE. It is a separate and independent appropriation. They could not afford to drop out \$130,000 more.

Mr. HALE. What is to be done with the dredge?

Mr. FRYE. It is to operate between the jetties and keep it clear. It is very strongly recommended by the War Department.

Mr. HALE. The funds for this harbor are all included in the other appropriation, and they are under contract.

Mr. FRYE. They are all under contract.

Mr. HALE. What fund would the Secretary have with which to keep this boat employed?

Mr. FRYE. Only the appropriation which is made in the amendment. There is an appropriation of \$30,000 in the amendment which I have offered.

Mr. HALE. It is an additional appropriation?

Mr. FRYE. It is.

Mr. HALE. It does not go with the continuing contract?

Mr. FRYE. It does not.

Mr. HALE. It is new matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. BROWN. I offer an amendment as to the public building at Salt Lake City, to come in after line 2, on page 7.

The Secretary of the Treasury is hereby authorized and directed to expend the \$75,000 heretofore (in 1896) appropriated for the purchase of site and commencement of construction of a public building for court-house and post-office at Salt Lake City, the entire cost of site and building not to exceed \$500,000.

This sum was voted in the last appropriation bill, but it has not been used by the Secretary of the Treasury, and I simply ask that he may be directed to proceed or it may be reserved as an appropriation.

Mr. ALLISON. I ask the Senator from Utah whether the limit of cost of the ground and building was placed at \$500,000 in the last act?

Mr. BROWN. Not in the last amendment, but in the bill that passed the Senate, yes; and there is an estimate by the Supervising Architect and by the Committee on Public Buildings and Grounds.

Mr. ALLISON. I hope the Senator will consent to strike out that portion of the amendment.

Mr. BROWN. Certainly, if the Senator asks it.

Mr. ALLISON. I do not think we ought to do that in this bill, whatever else we do.

Mr. BROWN. I am willing that it shall be stricken out.

Mr. GORMAN. Let the amendment be read.

Mr. BROWN. I wish to say before it is read, as an excuse in regard to it, that the Secretary gives as a reason why he does not expend the \$75,000 in purchasing a site that he does not know the limit of the cost of the building.

Mr. ALLISON. I understand the Senator's amendment is to authorize and direct him to purchase a site, and I take it that is as far as the Senator wants to go this year.

Mr. BROWN. The Senator is right. That is as far as I care to go this year, but at the same time the objection would be overcome by suggesting the limit of cost. That is the reason.

The VICE-PRESIDENT. The amendment as modified will be stated.

The Secretary read as follows:

The Secretary of the Treasury is hereby authorized and directed to expend the \$75,000 heretofore (in 1896) appropriated for the purchase of site and commencement of construction of a public building, court-house, and post-office at Salt Lake City, Utah.

The amendment as modified was agreed to.

Mr. GEAR. I offer an amendment to be inserted after line 7, on page 96.

The amendment was read and agreed to, as follows:

Provided further, That the sum of \$50,000 of said sum shall be expended for continuing the work of constructing artificial banks between the mouth of Flint River and running along the west bank of the Mississippi River to the mouth of the Iowa River.

Mr. GORMAN. I ask that the committee amendment on page 135, beginning in line 12, may be reconsidered, so that I may offer a substitute for a part of it from the committee.

The VICE-PRESIDENT. In the absence of objection, the vote by which the amendment was agreed to will be reconsidered.

Mr. GORMAN. I offer a substitute for that part of the amendment beginning with the "And" in line 15.

The SECRETARY. It is proposed to strike out all after the word "And," in line 15, page 135, down to and including the word "proper," in line 21, and insert:

And the Public Printer will bind and deliver to the compiler of Messages and Papers of the Presidents 500 copies of said compilation bound in the same style of the personal copies of Senators, Members, and Delegates. The compiler shall prepare a full table of contents and a complete index for such compilation, and he shall be paid therefor by the Public Printer out of the appropriation for public printing and binding such sum as the Joint Committee on Printing shall decide to be just and proper.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. Also from the committee, I offer another amendment.

The SECRETARY. On page 20, after line 16, it is proposed to insert:

For constructing and equipping a steam revenue cutter for service on the Atlantic coast of the United States, with headquarters at the port of New York, the sum of \$175,000.

The amendment was agreed to.

Mr. GORMAN. On page 55, after the word "dollars," in line 12, I move to insert what I send to the desk.

The amendment was read and agreed to, as follows:

All immigrants upon their arrival in the United States shall be brought for proper examination to the place or places designated for that purpose.

Mr. HAWLEY. I am authorized by the Committee on Public Buildings and Grounds to move the amendment I send to the desk.

The SECRETARY. On page 7, after line 23, it is proposed to insert:

The Superintendent of Public Buildings and Grounds and the Supervising Architect of the Treasury and the Architect of the Capitol are hereby constituted and appointed a committee to examine sites and consider the prices of lots suitable for the memorial building proposed to be built by the National Society of the Daughters of the American Revolution, to commemorate the services of the heroes of the Revolutionary war; and said committee shall make a report to Congress as early as possible.

The amendment was agreed to.

Mr. DANIEL. I beg leave to offer an amendment.

The SECRETARY. On page 4, after the word "dollars," in line 24, it is proposed to insert:

For public building at Norfolk, Va.: For extension of limit of cost of site and building from \$150,000 to \$275,000, \$100,000.

Mr. ALLISON. I reserve the point of order upon the amendment.

Mr. DANIEL. I will state that the public building at Norfolk, Va., was provided for by a bill passed in 1891; the site therefor was purchased and the building begun. But the Department recommended, the suggestion coming from them and not being inspired in Congress or elsewhere, that such a building as was needed at Norfolk would require more money. A bill to provide for such a building, fireproof and suitable to accommodate the various establishments at Norfolk, accordingly passed the Senate at its last session, and still lies unpassed in the House.

This building is estimated for by the Department, and the amendment is recommended by the Committee on Public Buildings and Grounds. It is an amendment in due course of business and is called for by the necessities of the occasion.

Mr. ALLISON. I have no doubt that everything the Senator from Virginia has stated is true. Yet the amendment proposes a change of existing law. If we should begin to enlarge the limits of cost of public buildings already in course of construction or where sites have been purchased, it would be impossible for us to have any end to this bill.

Mr. DANIEL. That is done in the pending bill.

Mr. ALLISON. I just asked the Senator from Utah [Mr. BROWN] to strike out a provision of that sort in an amendment he offered. I make the point of order that the amendment proposed changes existing law, and therefore can not go on the bill.

Mr. DANIEL. I beg leave to call attention, if I may be permitted to do so, to an item in this bill, just preceding the amendment which I have offered:

For extension of limit of cost of site and building from \$1,200,000 to \$1,300,000, \$100,000.

The amendment is exactly in accord with the construction of the bill which we have before us.

Mr. ALLISON. What page did the Senator read from?

Mr. DANIEL. Page 4.

The VICE-PRESIDENT. The Chair will inquire of the Senator from Virginia whether the amendment has been reported from a committee?

Mr. DANIEL. Yes, sir; it has been reported by the Committee on Public Buildings and Grounds, of which I have the evidence before me.

The VICE-PRESIDENT. The Senator's statement is all that is necessary. The Chair did not hear the Senator.

Mr. DANIEL. It has been reported from the Committee on Public Buildings and Grounds, and it is estimated for by the Department.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. ALLISON. Does the Chair decide that the amendment is in order?

The VICE-PRESIDENT. The Chair rules that the amendment is in order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SEWELL. I call the attention of the chairman of the committee to page 113, after line 6, where I move to insert:

For new barn, \$3,500; for electric-light plant, \$10,000.

The amendment was agreed to.

Mr. ALLISON. The total must be changed.

Mr. SEWELL. The total should be changed to correspond with the increase.

Mr. ALLISON. The clerks will be authorized to make the change.

The VICE-PRESIDENT. Without objection, that course will be pursued.

Mr. CLARK. I beg leave to offer an amendment.

The SECRETARY. After the word "survey," in line 9, page 66, it is proposed to insert:

And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the

public domain, and subject to settlement, occupancy, and entry under the land laws of the United States the same as if said Executive orders and proclamations had not been made.

Mr. ALLISON. I reserve the point of order on the amendment that it is new legislation, entirely independent of any appropriation in the bill. However, I will waive the point for the moment, until the Senator from Wyoming can be heard.

Mr. CLARK. Mr. President, I have no desire to be heard on the amendment, except to present a few facts to the Senate in regard to the reservation that was made by the order of the President on February 23, which, to give it the most charitable interpretation that can be applied to it, was made, in my opinion, without full and proper information, and I ask the attention of the Senate to the amendment.

The amendment provides for restoring 21,000,000 acres of land to the public domain—21,000,000 acres of land that has been taken from the public lands of the United States, from the settlers, from the farmers, from the prospectors of the Rocky Mountain and coast region—on the recommendation of a committee appointed by the American Scientific Association. The ostensible object of the reservation is the preservation of the forests upon the 21,000,000 acres of land.

I wish to state to the Senate, that it may understand the situation, and I do it in no spirit of harsh criticism of the Executive, that on the 21,000,000 acres of land segregated from the public domain enterprise was stopped at the borders; the exploiting of mines was absolutely and entirely stopped; town sites were embraced. In these reservations are thousands of men to-day, with their farms upon the reservations, and all this was done without consultation, so far as I have been able to inform myself, with any Senator or any Representative in Congress from any of the States affected by the order.

That this reservation works and will work hardship, none can question. In my own State I can speak of my personal knowledge, and of other States I can speak from what the Senators and Representatives from those States have told me. In one reservation in my State, known as the Big Horn Reservation, something over a million acres of land have been taken from the public domain. That is at the summit of the Big Horn Mountains, in the northern part of the State, next to the Montana line. When we protest against this reservation, we are met by the statement that there are very few settlers there, as shown by the plats of the General Land Office, and yet that entire country is now, this day, full of men opening up a new mineral region, which we hope will pour immense quantities of wealth into the coffers of the country. They are compelled to pause with pick in the air because this reservation, withdrawing the lands, takes them away from the exploiting and the prospecting and the exploration of the mines.

If it had been desired to preserve the forests, the Big Horn forest reservation would have been dropped 100 miles to the south, because 100 miles, certainly 50 miles, to the south of that reservation is the very place where the forest needs preservation, if anywhere, because there are found forests that protect the head waters of the Big Horn and the other streams which carry the waters of that country, and which should be preserved.

I can not think that if true information had been given to the Executive this order would have been made. I do not question his authority to make the reservation of 21,000,000 acres of land in my own and adjoining States, under the strict letter of the law. I do, however, question his right to make it under the spirit of the law. The Congress of the United States in 1891, in the expiring moments of the Congress, passed a law that was not duly guarded in its terms. I can not believe that the Senate and the House of Representatives ever expected that it would be executed in the way it has been executed. That law provided that the President of the United States, when in his judgment it should be necessary for the preservation of the forests of the United States, should set apart as forest reserves such portions of the public domain as in his judgment might be necessary.

At the former session of the present Congress a law was passed appropriating \$25,000, to be expended under the direction of the National Academy of Sciences, for the purpose of exploring our whole country, finding out the condition of our forests, and reporting and suggesting such legislation as was thought by them to be necessary and desirable. These gentlemen—and I was talking with one of them immediately after the order was issued; whether or not they used the appropriation I am not informed—five scientific gentlemen from the East, went to the Western States. They gleaned from some sources, from somewhere, what they considered to be information in regard to our forests, and they started in their work in July. Early in the fall they returned, and I assume that the President, acting upon their recommendation, has made the order withdrawing these 21,000,000 acres of land from settlement. I wish to state here that at least in one case, the only one as to which I inquired directly—the Big Horn Reservation of which I have spoken—an eminent scientist and a member of that commission acknowledged to me under the press of interrogatories

that not a member of the commission had ever been upon this reservation or within miles and miles of it.

Now, I wish the Senate to understand the condition of affairs; that these reservations have been made without due consideration, without personal knowledge on the part of the commission as to whether or not any timber is upon the reservations, without any knowledge as to whether or not the water supply will be guarded; but arbitrarily, with the stroke of a pen, without consultation with any of the people of the States most interested, the order is made, and we ask the Senate, by legislation, to annul that order. It still leaves the President free under the law of 1891, if he makes the proper investigation, to segregate such parts of the public domain as will serve the purpose which the law contemplates. The adoption of this amendment means that the picks will again begin to strike in all these reservations, and that a man who has a home in these reservations can again go out and get his firewood from the timber on the public domain.

The effect of these reservations is that while care is taken in the proclamation to say that the settler who is there with a bona fide title shall not have his title challenged, yet in effect it provides that he shall not burn a stick of timber in all that land to light his hearth. All the reservations are made at the behest of these scientific gentlemen. I honor them for their knowledge; they are an ornament to the country; I read their reports with admiration; but they belong to that class of scientific gentlemen who think more of the forest tree than they do of the roof tree, and we have a whole lot of people in the West who think as much of their roof tree as the people of any other part of this nation.

We believe it is an injustice to us. We believe that instead of the development of our country being retarded, it should be advanced. We believe that the life of the man is worth more than the life of the tree. We have timber that can be used there for commercial purposes, and these scientific gentlemen ought to know it.

In some of the reservations, if this amendment be not adopted, or one like it, it means the absolute confiscation of hundreds of thousands of dollars of actual, tangible property, and I am not stating the fact too strongly. In a reservation that is made in the State represented by the Senator from South Dakota [Mr. PETTIGREW] there is a reservation that takes within its borders some of the greatest paying gold mines on the continent of America. Those mines absolutely can not be worked; they absolutely can not raise their product from the ground unless they have the benefit of the timber growing upon the public domain. Hundreds of thousands of dollars have been invested there, and hundreds of thousands of dollars have been virtually confiscated by this order which, in my judgment, was so hastily made on the anniversary of the birth of Washington.

Mr. President, I have felt a good deal of hesitation in offering this amendment. I am conscious of what it means. It means the annulling of a deliberate order of the Executive of this nation, and were I not impressed with the absolute necessity of this action, and the immediate necessity of present action, I would not have thought of offering the amendment. I respect the office of the Executive of this nation; there is no higher one on the face of the earth; but if, in order to protect the people of my own State or of an adjoining State, I am compelled to offer an amendment of this kind, it shall be offered. I hesitated in offering it, because I was told by members of the Senate that the adoption of the amendment would mean the veto or the failure of the sundry civil appropriation bill. I can not believe that that is possible. I can not believe that the President of this great Republic, if he has, as he must have, the good of his people at heart, would be so piqued because Congress, in its wisdom and after due deliberation, has seen fit to restore the homes of the people, that he would veto a great appropriation bill. But no matter if that should be the temper in which we meet the Executive, I for one am ready to meet the question on that ground, and I say here and now that neither on this bill nor any other will I sacrifice what I consider to be the well-being of the people of my State to satisfy the pique of any branch of this Government.

But it is urged that the amendment should be modified; that it should be made more moderate in its tone; that it should be put in a little different shape; that we should suggest that some exception should be made to the general order. In my judgment, it is either this or nothing. In my judgment, unless the whole order be revoked, the time will never come when these reservations will again be thrown open to the public domain. The lonely settler within the heart of the Big Horn or Jacksons Hole Reservation may remain lonely all his life because the President of the United States has placed a bar about him hundreds of miles perhaps, dozens of miles anyway, and at the edge of that has said to all the people of the United States besides, "You shall not go in and be a neighbor of this citizen, who has settled in good faith upon land which we want for a forest reservation."

Mr. President, there is no demand for these reservations, as such reservations have been made by the people of the States in which

they lie. A gentleman had the assurance to tell me the other day, "It is needful that we should protect the frontier settlers." That, perhaps, is true. It is possibly true that the men who have prospected and exploited and lived under the hardships and toils of frontier life need some protection for themselves. But we have the experience of other parts of the country to caution us. We have the experience of the swamp-land act; we have the experience of a dozen other matters connected with the public-land surveys, and, in the light of that experience, we believe we know what is best for us.

No people on the face of the American continent are so anxious for the proper preservation of the forests and the water supplies of the West as the people of the public-land States. It means everything to us that they shall be properly preserved. But, on the other hand, it seems to us that the reservations should be made only when necessary; that they should be made only after an actual observation upon the ground. It appears to me impossible for four or five gentlemen, even though they stand at the head of the science of forestry in this country, to sit down at the Sheridan Inn, or elsewhere, 50, 60, 100, or 200 miles from a reservation and draw upon a map with any degree of intelligence the proper boundaries of a forest reserve.

Mr. President, I hope that the point of order reserved will not be insisted upon. This is the most vital question that has touched the people of the West during the present session of Congress. Gentlemen in the East can not appreciate it. You do not know how our people feel about it. You do not know what it means to us. It means the arrest of development in large parts of the West. It means the arrest of mining enterprises in large parts of the West. Some of these reservations are along railroads and town sites. It means that no man can warm his cold family with a stick of public timber, even though they be perishing, under the penalty mentioned in the law and the proclamation. We would not have complained of it had it been done with due deliberation. We do believe that it ought never to have been done except upon the best information obtainable, and I am satisfied that such has not been had.

I have spoken more especially with reference to my own State. I believe that other States are affected as badly or worse. I sincerely hope that the amendment may be adopted. It means more to us than the chairman of the Committee on Appropriations can conceive. It involves substantially the development of that whole Western country.

Mr. STEWART. I should like to have the amendment read.

The VICE-PRESIDENT. The amendment of the Senator from Wyoming will be again read.

The SECRETARY. After the word "survey," in line 9, page 66, it is proposed to insert:

And all the lands in the States of Wyoming, Utah, Colorado, Montana, Washington, Idaho, and South Dakota set apart and reserved by Executive orders and proclamations of February 22, 1897, are hereby restored to the public domain, and subject to settlement, occupancy, and entry under the land laws of the United States, the same as if said Executive orders and proclamations had not been made.

Mr. STEWART. I should like to inquire of the Senator from Wyoming if those are all the States to which the order applies? Are there any other States?

Mr. CLARK. My impression is that the amendment covers all the reservations in the order referred to, and the only order of which complaint is made.

Mr. STEWART. Mr. President, I hope the amendment will be adopted. It is hard to realize what injury must necessarily come from such an order. We had a long and heated controversy here, which took several sessions of Congress before we could straighten it out, on account of the selections that were made for reservoir sites. A law was passed authorizing reservoir sites to be selected and set apart. That was all very well. They were to be surveyed and set up, but the language of the law was so construed by the Department that vast regions were first reserved, and then they got an Executive order that withdrew all the public lands from entry, closed every land office, and it took us a long time before we could get back by legislation to a point where the people could use the public lands in that part of the country.

Mr. CLARK. If the Senator will allow me a moment, I desire to state that this amendment has been favorably reported by the Committee on Public Lands. I neglected to state that fact.

Mr. STEWART. The selections were made, not from an examination of the reservations, not on the ground, but it was done here, taking the townships that were laid out even before they were surveyed, extending and marking them on the plats in the Department, they not knowing anything about what they were doing, and great hardship resulted from that proceeding.

I understand that the recent order includes about 23,000,000 acres. Am I correct?

Mr. CLARK. Twenty-one million acres.

Mr. STEWART. Twenty-one million acres are enough to make a large State. It excludes it from exploration and development, and will retard mining and the use of the lands for all time unless

the restriction shall be removed. It is true that those who inhabit the country must necessarily use the timber. That is one of the necessary incidents of habitation. But in the mountain region, as a rule, there are vast areas of mountain land where timber grows on land which is not used for occupation. The timber can grow there, and it is very well to protect it; but to make a sweeping order without surveys, without knowing the limits, and to include the mineral and everything else, and stop the progress of the country it seems to me is very unwise.

If there had been surveys setting apart particular localities where there was no mineral, where people were not occupying the land, selecting localities in limited quantities, to preserve the timber at the heads of the streams, that would be all very well, if nothing more than that was contemplated. Now, instead of following that plan and surveying the land and knowing what was being done, so as to make a reasonable selection, here is a sweeping order covering 21,000,000 acres of land. It ought not to be set apart in this way. I think the President has been misled by enthusiasts who want to protect all the forests there are in the United States, and not have them used at all. They are generally persons who have been educated in countries where forests were preserved and cultivated, but that is a very different thing.

Mr. TELLER. Valuable trees.

Mr. STEWART. Valuable trees, etc. In other communities they had seen that done, and they undertake to apply it to a mountain region, where it is necessary that it should be open to exploration and development, if you are going to mine it at all. If silver mining has become so disreputable and wicked that it ought not to be prosecuted, let me say that those regions contain gold mines, and lead mines, and copper mines, coal mines, probably, and various other mines that are so essential, and it is necessary to prospect them and develop them if that country is going to grow. I think this is a very unwise way of proceeding. If it had come here with the maps and charts, so that we could see what they were reserving, and with a report as to the character of the lands, it would be all very well; but here 21,000,000 acres of land, which would cover an ordinary State, are included in an order without any investigation.

Mr. DUBOIS. And without consulting a single representative of the States in which the reservations are made.

Mr. STEWART. And it is done without consulting a single representative from that region. It seems to me it ought not to have been done. I think there is no danger at all that the President would veto a bill of that kind. I think if his attention had been called to it by some one in whom he had confidence (if he has confidence in anyone), if his attention had been called to this mode of excluding settlement and excluding prospecting and excluding explorations in that country—and those pursuits are the life of it; it can not prosper at all without them—he would not have made this sweeping order. He can not be so wedded to the order made (inasmuch as an order of that kind must have been made without reports and maps, and it was done without any consultation with the representatives) that he could take any offense if Congress should see fit to reopen those lands to the use of the people. If the commission of forestry will make the selections and make a report in reason, so that we can see where the reservations are and that the selections do not interfere with the community, and see that they do not contain mines that people are working and intending to work, and do not cut off the resources of the country, as we are all in favor of reserving the forests we will cooperate with them, but we do not propose to cooperate in this way, which is so destructive. I hope the amendment will be adopted.

Mr. CARTER. Mr. President, in the closing hours of the Fifty-first Congress an act was under consideration, entitled "An act to repeal the timber-culture laws, and for other purpose," which, while originally introduced for one special purpose, developed into a general revision of the public-land laws. Without previous consideration by any committee of Congress, as I am informed upon the floor of the Senate during the debate, section 24 was proposed as an amendment, and it is under and by virtue of authority contained in that section 24 that the President recently issued the proclamation complained of.

It is customary in all the Departments, I presume, certainly in the Department of the Interior, in dealing with public-land matters, immediately on the passage of a law by Congress, for the Department to promulgate rules and regulations for its proper and intelligent administration. Such was the course pursued specially with reference to section 24 of that act, and the mischief, if mischief exists in the cases brought now to the attention of the Senate, originated in the failure to comply with the rules and regulations promulgated at the time. No attempt was made to give notice to the citizens of the State in which the reservation contemplated was located; no attempt was made to consult the State officers or interested parties relative to the public welfare in the vicinity of the proposed reservation.

The rules and regulations promulgated in 1891 directed the special agents of the General Land Office in attempting to administer

section 24 of the law to personally investigate upon the ground the condition of the country proposed to be included in a forest reservation. After ascertaining by such investigation of the physical character that the land could be properly included in a reservation, they were further directed to consult the State officers, the citizens residing in the vicinity, and further still to publish in the local paper printed nearest the proposed selection, likewise in a paper of general circulation in the State, a description of the land proposed to be embraced within the limits of the reservation, the notice to incorporate a clause inviting all persons liable to be injuriously affected to make known the basis of their opposition to the proposed action. Without attempting to explain those instructions, I will ask that they be read from the desk, as probably the reading will convey the information more rapidly than I could describe it.

Mr. FAULKNER. Will the Senator state whether those regulations by the Department were complied with?

Mr. CARTER. None of the conditions were complied with so far as I am informed, and I have made very diligent inquiry into the matter.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

[Circular of instructions relating to timber reservations.]

P.] DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.
Washington, D. C., May 15, 1891.
TO SPECIAL AGENTS OF THE GENERAL LAND OFFICE.

GENTLEMEN: Your attention is hereby called to section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," which reads as follows:

"SEC. 24. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public lands bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

To carry into effect said provisions it becomes important to reserve all public lands bearing forests or covered with timber or undergrowth on which the timber is not absolutely required for the legitimate use and necessities of the residents of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in which the lands are situated, or for the promotion of settlement or development of the natural resources of the section of the State or Territory in the immediate vicinity of the particular lands in question.

In so doing it is of first importance to reserve all public lands in mountainous and other regions which are covered with timber or undergrowth at the headwaters of rivers and along the banks of streams, creeks, and ravines, where such timber or undergrowth is the means provided by nature to absorb and check the mountain torrents and to prevent the sudden and rapid melting of the winter's snows and the resultant inundation of the valleys below, which destroy the agricultural and pasturage interests of communities and settlements in the lower portions of the country.

For the purpose of securing the necessary data upon which to base recommendations for such forest reservations, the following instructions are issued:

Special agents, upon being detailed to secure the data in question, will proceed, without undue delay, to make in the districts assigned to them a thorough and careful personal examination of the public lands bearing forests or covered with timber or undergrowth, and ascertain by personal observation and by interviews with Government and State officials in the vicinity of such lands, and with citizens who have an interest in the public welfare, all facts pertaining to the value of said forests or timber lands for all uses, purposes, and requirements. The result of such investigations should be duly made the subject of report to this office.

In submitting such reports a recommendation should be made in each case as to whether the lands described should be set apart as a public reservation, setting forth in full the reasons for arriving at the conclusions stated. The agent should also in every instance, so far as practicable, procure and submit with his report the expression of opinion in writing of the officials and citizens interviewed by him relative to the special value of each tract or area of land reported upon.

In recommending reservations of timber lands, special agents should describe such lands by natural drainage basins; and whenever it is in the interests of the industries carried on in the district to except any lands within said basins from reservation by permitting the timber to be cut to meet the wants of the people, such excepted tracts should be described in Land Office terms, as sections, townships, ranges, etc.; but when surveys have not been extended over the lands thus excepted, the lands should be described by natural boundaries in such a manner that they may be readily distinguished from other lands, and that proper provision for their survey by Land Office methods may be made.

After making an examination of the timber lands of any drainage basin and having decided to recommend the same for reservation under the provisions of this circular, before submitting report in the matter a notice should be prepared by the agent stating that such recommendation will be made to the General Land Office, and setting forth a description of the basin, together with a description of any public lands embraced therein which it may be proposed to have excepted therefrom. It should also be stated therein that the object of such publication is to give timely notice of the proposed reservation in order that all parties interested, who either favor or oppose its establishment, may be afforded due opportunity to submit their views to this office, by petition or otherwise, for the purpose of having the same considered prior to the final establishment of such reservation.

This notice should be posted in the land office or offices of the district wherein such lands are situated, and a copy of the same should be published at least once a week for three successive weeks in some newspaper published in the county, or each of the other counties, wherein such lands are situated, and also in at least one other newspaper of general circulation in the State or Territory. If no newspaper be published in the county or counties in which the lands are situated, then the publication should be made in a newspaper published in the county nearest to such lands.

A printed copy of the notice of publication should be submitted with the agent's report, together with the affidavit of the publisher or foreman of each newspaper attached thereto, showing that the same was successively inserted the requisite number of times, and the dates thereof.

Should knowledge be acquired by the agent that any particular tract or

tracts of public timber land are being, or are likely at an early day to be, despoiled of the timber which should be preserved for climatic, economic, or other public reasons, and that the early reservation thereof is necessary, the agent should report the matter at once to this office, describing in general the location of said lands, and stating reasons for believing that necessity exists for early action. Should the services of a surveyor be required to locate and define by proper exterior bounds and lines any tract or tracts therein which should be excepted from reservation, he should submit an estimate as to the total cost of such survey and the time required to complete same. Upon receipt of such report proper measures will be promptly taken by this office in the premises.

Very respectfully,

T. H. CARTER,
Commissioner.

Approved.

GEO. CHANDLER,
Acting Secretary.

Mr. CARTER. It so happened in the course of events that I was connected with the land service at the time these regulations were promulgated, and assisted in the administration of the law for some time in conformity with these rules and regulations. Notwithstanding the precautions taken, giving timely public notice, we found that mistakes were made which injuriously affected citizens and important interests as well.

The complaint made against the mode of procedure in the case before the Senate for consideration rests upon the total failure to give any notice to any party in interest of the proposed reservation of these enormous bodies of land in the respective States. The serious consequences destined to follow this hasty and inadvertent action are most amply and fully illustrated. For instance, on the northern boundary of Montana a very large reservation has been described and proclaimed by proclamation. Upon the easterly boundary of that reservation there exists a mineral region said to contain deposits of copper in combination with gold and silver of fabulous richness. This fact became so apparent that at the last session of Congress the Government purchased about 900,000 acres of that land from the Blackfeet Indians at the price of \$10 per acre or thereabouts, and provided that the land should be sold only to mineral claimants at \$10 per acre. Before the land is actually surveyed or a dollar received by the Government to recoup it for that investment this proclamation is issued withdrawing the land from mineral entry, thus absolutely destroying the investment made by the Government for the purpose of encouraging the development of the mineral resources of the country.

Again, located near the city of Butte, in the State of Montana, there is one of the most remarkable deposits of copper yet discovered on the earth or within its crust, known as the Anaconda mine. It is a very large vein of ore. It requires an immense amount of timber each day to keep the walls and stopes from falling in and destroying the lives of men and closing up operations. Well-nigh a train load of timber is drawn daily to the Anaconda mine for the purpose of propping the stopes and levels and drifts. The pay roll of the company amounts to about \$10,000,000 per year for disbursement in that country. The timber is procured for the purpose indicated in the upper portion of the Bitter Root Valley. The company has built upon the Bitter Root River a sawmill plant, at an expense of about \$300,000, for the purpose of preparing the timber for the mines. The only readily available source of timber supply is at that point. Preparations were made to secure the timber there. A permit had been granted by the Department of the Interior to cut the timber. Yet upon investigation it is ascertained that the source of timber supply of the mine is incorporated in a timber reservation by a proclamation of which no human being in or out of Montana had notice until it emanated from the Executive hand, save, perhaps, those who recommended the action.

Mr. TELLER. No one in Montana had any knowledge of it?

Mr. CARTER. No one in Montana, no one in Idaho, no person connected with the representation of the State here, no State officer, no member of the company nor person connected with it, had any knowledge or notice whatever of the proclamation. What will be the result? It must be borne in mind that under existing law, for the purpose of protecting forests from spoliation, we are prevented from removing timber across State lines which happens to be cut on the public domain. Hence this company can not well go without the limits of the State to secure the supply needed, and, if it were driven to that necessity, the excessive cost of transportation in that part of the country would really jeopardize the mining operation; and the sawmill would be an absolute loss to the company.

I use this only for the purposes of illustration. There are other enterprises and other mines in that State which will be affected just as the Anaconda mine. Let me state here that the mineral output of that country, dependent for its continuation upon an untrammelled supply of timber to prop up the mines, amounts to over \$50,000,000 per annum. I am asked by a Senator near me if a miner can cook his breakfast with wood taken from one of these reservations. Of course not, without incurring the pains and penalties prescribed in the proclamation.

Mr. LINDSAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. CARTER. Most assuredly.

Mr. LINDSAY. I ask the Senator if the amendment were so modified as to exclude from the operation of the President's proclamation timber necessary for mining and domestic purposes, whether it would not answer all the immediate necessities of the case, leaving the other portion to be investigated when the Senate has time to look into it?

Mr. CARTER. That would obviate some of the difficulty, but not all of the difficulty. The entire region over which these forest reservations extend is a mineral country. By the terms of the proclamation persons are prohibited from entering within the limits of the reservation to prosecute their regular occupation in seeking treasure. This constitutes an important industry in that country. Its pursuit involves the progress of its civilization; its success involves the wealth of the nation in that part of the country; and it contributes largely to the energies of the country at large.

In the State of South Dakota there exists a mine known as the Homestead, a mine that has been sending forth a steady stream of gold to the mints of the United States for well-nigh a quarter of a century. The entire hill is now held up by timber cut and put in there to prop up the points where the ore is extracted. Continuous timber supply is an absolute prerequisite to the continuance of the mining operations. I believe 160 stamps are dropping there to-night, crushing the ore, taking from the store of no human being, injuring no one, but adding to the wealth of all and giving employment in that part of the country, I am told, to several thousand men, whose families are located there and who are dependent upon the continuance of this mining operation for a livelihood. Towns, villages, farms, mines, mills, all the operations of the people of that region, have been indiscriminately included in a reserve, without any provision for the appointment of an agent for the people or to furnish them protection.

Mr. President, there can be no reflection upon the Executive in attempting through the legislative department of the Government to secure the uninterrupted development of the country. It can not be that pride of opinion will prevent the correction of a mistake when it is called to the attention of any officer of this Government. The difficulty in this matter arose not through any mistake of the President. The manner in which these matters are attended to in the executive office of the President we all understand. I have prepared a great many of such proclamations which were signed by the President in a pro forma manner. He did not undertake in any instance to inquire of me bounds or subdivisions, but accepted what came from the Department of the Interior as being the result of due deliberation and proper investigation.

Mr. GRAY. Will the Senator from Montana allow me to ask him a question for information?

Mr. CARTER. Certainly.

Mr. GRAY. Was there not a year or two years ago constituted by act of Congress a forestry commission, who were required to consider this whole matter and report recommendations to the President in regard to forest reservations?

Mr. CARTER. I understand that they were to report to Congress upon certain matters.

Mr. GRAY. I am inclined to sympathize with what the Senator is stating.

Mr. TELLER. I will read from the last sundry civil appropriation act what the Senator undoubtedly refers to. It was passed in the last Congress:

Forested lands of the United States: To enable the Secretary of the Interior to meet the expenses of an investigation and report by the National Academy of Sciences on the inauguration of a national forestry policy for the forested lands of the United States, \$25,000.

Mr. GRAY. Is that the whole of it?

Mr. TELLER. That is all of it; and I understand that is the commission which recommended the setting apart of these reservations.

Mr. FRYE. Did they recommend it to the President?

Mr. TELLER. They recommended it to the Secretary of the Interior, or to the President.

Mr. CULLOM. The President has the power to issue such a proclamation without a recommendation.

Mr. CLARK. The President has the power without any recommendation, under the law.

Mr. CARTER. Mr. President, the fate of the pending sundry civil bill can not hang upon the determination of the Senate in reference to this matter. Upon being advised that the plain regulations promulgated by the Department itself for the government of the Executive, for his guidance and information, have not been complied with, when it is made apparent that the people understood from those rules and regulations that timely notice would be given, and that in consequence they had no reason to apprehend what appears to be in this case an inadvertent and untimely action, the Executive will concur in the action of Congress, and most cheerfully concur, I have not the slightest doubt.

Mr. CANNON. I think, Mr. President, that if Senators will

take this case home to themselves, there can be no question of the vote if the matter shall be allowed to go to a vote. There was withdrawn by the recent Executive order from the public domain an area of land larger than the entire land and water area of the State of Maine, four times as much as the entire land and water area of the State of Massachusetts, nearly two-thirds as much as the entire area of the State of Iowa. There are sitting in this body fourteen Senators from the States in which the reservations are located, and not one of the fourteen Senators was consulted with regard to the matter or knew anything concerning it until the publication of the order appeared in the newspapers.

It appears to me that if Senators will consider what their own feelings would have been to have had so large a portion of public domain in their States withdrawn from the use of the people, they will cordially support the amendment in its present form. I take the liberty of saying, without any concert of action with other Senators representing States similarly affected, that if the entire order can not be rescinded I would very much prefer to have it remain in its present form. In other words, rather than have any attempt to amend the proposition of the Senator from Wyoming, so as to provide a partial remedy for the wrong inflicted, I would prefer that we should submit for the time being to the entire wrong.

No two of these reservations are similarly situated. Eight hundred and seventy-five thousand acres of public land in the State of Utah were withdrawn from entry. That tract adjoins nearly 6,000 square miles set apart as Indian reservations. It includes the homes of settlers; it includes mines; it includes the timber which the people cut for their firewood, and some small forests, very small indeed, in which are located sawmills. The line comes down to within 2 or 3 miles of several towns. The perpetuation of the order for any considerable time must work a very grievous hardship upon all the people of that locality. It withdraws all the land of many valleys from the use of the flock masters. Men who have herds of cattle and flocks of sheep will not be permitted under the law and under the proclamation to graze them upon any portion of those lands. No one will be allowed except in danger of the penalty of the law to cut a stick of timber as large as your finger from a portion of that forest reservation.

It appears to me, Mr. President, that bearing in mind that all of the people of the West have been desirous of having reservations made which should protect the sources of their water supply, the disposition on the part of Representatives and Senators and the State officials to cooperate with the national Executive at any time at his behest in the selection of such lands for reservations as would protect the water supply, the least which the Senate and Congress can now do is at this first opportunity highly to resent an order the great effect of which must be a serious hardship upon the people of the West.

Mr. ALLISON. I withdraw my suggestion as to a point of order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. CLARK].

Mr. PETTIGREW. Mr. President, I wish to say a few words in this connection. This Executive order withdraws from settlement and occupation about 1,000,000 acres of the mining district known as the Black Hills in South Dakota. That region is occupied by 10,000 people engaged in farming, stock raising, and mining. It is but sparsely timbered, and certainly no one who had examined it would have thought of making a forest reservation of it.

Without consulting any representative of the State of South Dakota, without consulting any of the people of South Dakota, the Executive has chosen to set that region apart as a forest reservation and withdraw it from settlement and occupation. Through the center of that tract of a million acres of land there is a railroad 50 miles in length, having stations every 6 to 10 miles, where people are engaged in all the productive industries that go with a farming, a stock-raising, and a mining country. There are several mines and mills, and hundreds of men are employed in the mines producing the precious metals. There is there a county seat, and in fact nearly the entire population of the county is embraced within the reservation. The county seat, Custer City, has a population of 1,200 people, and yet they are embraced within a forest reservation. The town of Keystone, where there are several large mines and mills, had a voting population last fall of 400. The only possible remedy that can relieve those people is the setting aside of this order absolutely. They can take no compromise whatever. The condition that they can cut timber from the public domain and carry on their mining operations would be but a slight relief.

I have a telegram, Mr. President, which I will read:

LEAD, S. DAK., February 24, 1897.

Senator R. F. PETTIGREW, Washington, D. C.:

President Cleveland's Executive orders, issued Monday, reserving nearly a million acres of land in the Black Hills of South Dakota for a forestry reservation, will ruin every industry here. Do all possible to have the order suspended. If you can, get it revoked until the people here can be heard. Please send me a copy of the order describing the location of the lands reserved.

T. J. GRIER.

The legislature of South Dakota has acted upon this matter, and sent me the following resolution:

A joint resolution memorializing the members of Congress of the United States from South Dakota, requesting the President to modify a certain proclamation respecting lands in the Black Hills in South Dakota.

Whereas the President of the United States, on the 22d day of February, 1897, issued his proclamation withdrawing from settlement certain unsurveyed mineral lands in the Black Hills within the boundaries of the State of South Dakota; and

Whereas the withdrawal of such lands from settlement, location, and appropriation will retard the growth and prosperity of this State, and the development of its mineral resources: Therefore

Be it resolved by the senate of South Dakota (the house of representatives concurring), That our Senators in Congress be instructed and the Representatives of this State in Congress be requested to do all in their power to obtain from the President such a modification of said proclamation as will leave open for location and appropriation the mineral lands of the Black Hills of South Dakota.

ANDREW E. LEE, Governor.

Mr. President, it seems to me that we can do nothing less than vacate this Executive order by the amendment, if we desire to do justice to the people whom we have encouraged to occupy that country.

Mr. WILSON. Mr. President, the lateness of the hour and the urgent desire to promptly pass the pending bill admonish me to say only a few words.

The State that I have the honor in part to represent was attached to the State of Montana in the withdrawal by Executive order in the Olympic range of, I believe, a little over 2,000,000 acres of land. I seriously doubt, Mr. President, whether any examination has ever been made by anybody of that reservation. As far as we who live in that State know, only three people have entered the Olympic range. It was, until within the last three years, a terra incognita, and had been but little prospected; but over on the other side, in the Cascade Mountains, under a previous Administration, there was a withdrawal for forestry reservation known as the Pacific Reserve. This included a large body of lands, and quite a hardship was imposed by making this withdrawal, for the reason that a large number of prospectors had located mineral claims in the Cascade Mountains. They sent a protest to Congress seeking advice and information. A bill was passed by the House of Representatives some time during the last session, was reported favorably by the Committee on Forest Reservations of the Senate, and is now pending.

If we should withdraw all the lands, as provided for in that bill, we would do about the proper and apposite thing. That would give an opportunity to preserve the timber. It would also give an opportunity for mineral locations, and the opportunity to develop the mineral industry of the Cascade Mountains. I think that bill ought to pass, or some amendment should be adopted to the pending bill which would give the locators in the mountains on the mineral lands an opportunity to develop them.

Mr. DUBOIS. I shall not detain the Senate, but I simply desire to have printed in the RECORD the statement which I hold in my hand, which shows the lands which have been reserved in the various States—amounting in all to 21,379,840 acres—in the last Executive order. I do this simply to make it a part of the record in order that the committee may use it in conference.

The VICE-PRESIDENT. The paper referred to by the Senator from Idaho will be printed in the RECORD, in the absence of objection.

The paper referred to is as follows:

FOREST RESERVATIONS.

[Proposed by the forestry commission of the National Academy of Sciences.]

	Area.*
Flathead, Mont.....	1,382,400
Lewis and Clarke, Mont.....	2,926,080
Bitter Root { Montana.....	691,200
Idaho.....	3,456,000
	4,147,200
Priest River { Washington.....	92,160
Idaho.....	552,960
	645,120
Washington, Wash.....	3,594,240
Olympic, Wash.....	2,188,800
Mount Rainier, Wash.....	2,234,880
Excluding the Pacific Forest Reserve.....	967,680
	1,267,200
Stanislaus, Cal.....	691,200
San Jacinto, Cal.....	737,280
Utah, Utah.....	875,520
Teton, Wyo.....	829,440
Big Horn, Wyo.....	1,127,680
Black Hills, S. Dak.....	967,680
	21,379,840

NOTE.—The Pacific Forest Reserve area is not included in the grand total, for the reason that it is already reserved.

Mr. MANTLE. Mr. President, the objections to this Executive order have been so well stated that it is unnecessary for me to reiterate them. I rise simply to tender my thanks on behalf of the people of my State to the chairman of the Committee on Appropriations [Mr. ALLISON] for having withdrawn the point of order against the pending amendment.

* Estimated in acres.

I am inclined to think that Senators do not apprehend the enormous mischief to be worked to the people of those States if this order should be permitted to remain in force. In the State of Montana there are over 5,000,000 acres of land set apart in this Executive order. A great deal of that land, thousands and thousands of acres of it, have not a stick of standing timber upon it, most of it having already been cut.

I come from a community in my State, Mr. President, which would be peculiarly affected by this order. It is a mining community, embracing about 50,000 people. If this order were to go into effect, I have no hesitation in saying that within two months 10,000 men would be thrown out of employment because of the inability of those mining companies to secure the timber with which to carry on their mining operations.

I think I might safely say that if this order is to stand and remain the law of the land it ought to be accompanied with a provision for enlarging the penitentiaries and the jails of that country, for two things are apparent, that either the industries and the activities of that section of country must cease or else the terms of this order must be violated every hour and every day. I do not want to see the people of the State of Montana reduced to this extremity or put in a position where, in order to exist, they will be compelled to violate the law of the country; and I appeal to Senators here to step in at this juncture and exercise a little of that generous sympathy, which we have been so willing and so ready to extend to others outside of the domain of the United States, to our own citizens, who are to be put into such a pitiable plight by the provisions of this order, if it is to remain in full force and effect.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wyoming [Mr. CLARK].

The amendment was agreed to.

Mr. THURSTON. I move to amend the bill by inserting after line 11, on page 73, what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 11, on page 73, it is proposed to insert:

Domestic sugar production: To enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available land adapted thereto by irrigation or otherwise, and to investigate all other matters concerning the same, for cost of labor, traveling, and other purposes, \$5,000.

The amendment was agreed to.

Mr. GALLINGER. I offer an amendment to come in after line 16, on page 97, which has been reported favorably by the Committee on Naval Affairs.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 97, following the amendments already adopted after line 16, it is proposed to insert:

That the Secretary of War be, and he hereby is, authorized and directed to submit estimates of the cost of removing the ledge at Pulling Point, in Portsmouth Harbor, New Hampshire, so far as the same is an obstruction to navigation of large vessels going to the navy-yard.

The amendment was agreed to.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 73, at the end of line 11, it is proposed to insert:

That the Secretary of the Navy is hereby authorized and required to establish branch hydrographic offices at Duluth, in the State of Minnesota, Sault Ste. Marie, in the State of Michigan, and Buffalo, in the State of New York, the same to be conducted under the provisions of an act entitled "An act to establish a Hydrographic Office in the Navy Department," approved June 21, 1863; and the Secretary of the Navy is hereby authorized and directed to secure sufficient accommodations in the said cities of Duluth, Sault Ste. Marie, and Buffalo for said hydrographic offices, and to provide the same with the necessary furniture, apparatus, and supplies, and service allowed existing branch hydrographic offices, at a cost not exceeding \$15,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. ALLISON. I hope that will be amended by saying "for this purpose" instead of "to carry out the provisions of this act."

The SECRETARY. It is proposed to strike out the words "provisions of this act," at the end of the amendment, and insert "for this purpose."

Mr. PETTIGREW. I accept that modification.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. GORMAN. I suggest to the Senator from Iowa that the amendment ought to be amended by striking out the words "and required." It is sufficient simply to authorize the Secretary of the Navy to make this investigation. The words "and required" occur twice, I think, in the amendment.

Mr. ALLISON. I think the Senator's suggestion would improve the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. It is proposed, in line 1, after the word "authorized," to strike out "and required;" and in line 10, after the word "authorized," to strike out "and directed."

Mr. PETTIGREW. I accept the modification of the amendment.

The VICE-PRESIDENT. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. PETTIGREW. I wish to submit some papers in connection with the amendment just agreed to, and have them printed in the RECORD.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The papers referred to are as follows:

WASHINGTON, D. C., February 23, 1897.

CHAIRMAN COMMITTEE NAVAL AFFAIRS,
United States Senate, City:

The Navy Department approves the amendment, intended to be introduced to the naval appropriation bill by Mr. PETTIGREW, for the establishment of branch hydrographic offices at Duluth, Minn., Sault Ste. Marie, Mich., and Buffalo, N. Y., but provisions should be made therein that the appropriation may also be expended for furniture, supplies, and services as now pertaining to existing branch hydrographic offices.

HERBERT.

STATEMENT IN FAVOR OF ESTABLISHING BRANCH HYDROGRAPHIC OFFICES.

The aim of these amendments is to establish on the Great Lakes, under the Hydrographic Office of the Navy Department, a set of branch hydrographic offices, such as now exist on the Atlantic and Pacific coasts. The great feature of branch offices consists of personal visits to ships and to nautical and shipping men, for the purpose of gathering new information of benefit to commerce, which information is sent to the main Hydrographic Office, where it is edited and published for the benefit of commerce generally. The branch offices also correct barometers, thermometers, chronometers, and charts for ships, and point out the latest charts; and each branch office contains on its shelves a complete set of the charts of the world, including sailing directions, pilot directions, etc. Each branch office also answers inquiries relative to nautical matters, such as the best route to pursue, existence of wrecks, port regulations, etc.

The library of charts in each branch office may be consulted by the public freely. Since charts must be corrected almost daily for the reception of new information, it is rarely attempted by any public library, other than branch hydrographic offices, to keep a set of nautical charts. The main hydrographic office and the branch offices therefore provide the only complete libraries of nautical charts in the United States. On the Great Lakes it is now admitted by the best shipmasters that instrumental navigation, such as is used to safeguard the ships upon the oceans, should be extended to the lake region. It is the further object of the branch offices to encourage and facilitate advancement in the knowledge of navigation. Through the instrumentality of the Hydrographic Office two schools of navigation under private direction are already in successful operation on the Great Lakes, where there are under instruction a large number of officers of the Naval Reserve, owners of yachts, and captains and officers of merchant vessels.

The appreciation shown by the public, and by navigators, of the branch hydrographic offices on the Atlantic and Pacific coasts is the best reason that could be urged for the establishment of a set of branch offices on the Great Lakes. Through the instrumentality of the branch offices, the Hydrographic Office has secured a corps of voluntary observers of the mariners of all nations, the membership of which numbers from 1,500 to 2,000. The totals in the appended table show the immense amount of work done by these offices during the fiscal year 1896 for the benefit of commerce. It is shown that personal visits were made to 9,732 ships and that 13,549 visits were received; 11,544 barometers were corrected, 2,837 chronometers compared, 8,810 charts corrected for navigators, and 1,467,228 notices to mariners distributed.

It is remarkable that, notwithstanding the immense and rapidly growing commerce of the Great Lakes, the Government has done but little to help it, whereas a great deal of money has been spent from year to year to benefit commerce on the ocean. Nearly all of the maritime associations on the Great Lakes have passed resolutions favoring the establishment of branch hydrographic offices on the Great Lakes and highly approving the extension of the work of the Hydrographic Office in that region, where about 95 per cent of the commerce belongs to the United States.

Another feature of the branch offices is the display of a time ball, connected electrically each day directly with the Naval Observatory at Washington, whereby the correct time is given to mariners and the public generally. The immense store of data relating to marine meteorology now in the possession of the Hydrographic Office, which in amount exceeds that in possession of any other government, has been collected mainly through the instrumentality of the branch offices.

C. D. SIGSBEE,
Commander U. S. N., Hydrographer.

Mr. LINDSAY. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. On page 93, in line 13, after the word "otherwise," it is proposed to insert "and said \$83,000 shall be immediately available;" so as to read:

Provided, That of the amount authorized to be expended, \$83,000, or so much thereof as may be necessary, may be expended in addition to the \$50,000 herein appropriated in continuing construction and completion of Lock and Dam No. 7, by contract or otherwise, and said \$83,000 shall be immediately available.

The amendment was agreed to.

Mr. CHANDLER. Mr. President, the Senate Committee on the Census and the House Committee on Appropriations have agreed upon the preliminary organization of the Census Office for the purpose of taking the next census. It is the expectation that the volumes comprising the next census, instead of being twenty-five, as in the census of 1880, will not exceed five or six. The scope of the next census is to be defined by Congress at its next session; but it is very desirable that the preliminary organization shall be made immediately. I therefore, by direction of the Committee on the Census, ask that the provisions of the bill now upon the

Calendar of the Senate, which has been reported from the Committee on the Census and has been approved by the House Committee on Appropriations, may be added to this bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 70, after line 8, it is proposed to insert:

That there shall be at the seat of government a census office, the duties of which shall be the taking of the Twelfth and succeeding censuses and the collection of other information, as hereinafter provided.

That the census office shall be under the charge of a director of the census, who shall be appointed, as soon as practicable after the passage of this act, by the President, by and with the advice and consent of the Senate, and who shall receive a salary of \$6,000 per annum; and there shall be also an assistant director of the census, to be appointed in like manner, who shall be an experienced statistician and shall receive an annual salary of \$4,000; and there shall also be in the census office, to be appointed by the director thereof, a chief clerk, at an annual salary of \$2,500; five chief statisticians, at an annual salary of \$3,000 each; one stenographer, at an annual salary of \$2,000, and as a temporary office force, until the force of the census office shall be classified and provided for through regular appropriations, such number of employees, not to exceed 32 in all, as the director of the census may find necessary for the purpose of carrying out the provisions of this act, such employees to consist of clerks of classes 4, 3, 2, and 1, and at \$1,000 per annum, watchmen, assistant watchmen, messengers, assistant messengers, laborers, skilled laborers, and charwomen. The chief statisticians herein provided for shall be persons of known and tried experience in statistical work. One of the clerks of class 4 shall be designated as disbursing clerk, and shall, before entering upon his duties, give bond to the proper accounting officers of the United States in the sum of \$10,000, which bond shall be conditioned that the said officer shall render a true and faithful account to the proper accounting officers of the United States quarterly or oftener, as may be found necessary, of all moneys and property which shall be by him received by virtue of his office, with sureties to be approved by the Solicitor of the Treasury. Such bond shall be filed in the office of the Comptroller of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

That the chief clerk, disbursing clerk, and the chief statisticians provided for in the preceding section may, in the discretion of the director of the census, and all other census employees authorized by this act below the assistant director of the census, shall be appointed in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the Government," approved January 16, 1883, and the amendments thereto and the rules established thereunder; but when requisitions are made upon the Civil Service Commission for certifications for the appointment of clerks in any of the grades herein provided for the said Commission shall, if the director of the census so indicates, give preference in certification from the eligible lists to persons who have served in the clerical force of the Eleventh Census.

That it shall be the duty of the director of the census to submit to the Secretary of the Treasury, on or before October 1, 1897, estimates for such classified force as he may deem necessary to carry out the provisions of this act relative to the census.

That during the necessary absence of the director of the census, or when the office of the director shall become vacant, the assistant director shall perform the duties of the director.

That the Twelfth Census shall be restricted to such specific topics and features as may be authorized by Congress, and to this end the director of the census shall proceed at once to make all necessary preparations for the next decennial enumeration, and shall submit to the Congress in December, 1897, a report, with recommendations, relating to such topics or features as he may deem adequate for the purpose intended by this act; and in his report he shall make such further suggestions and recommendations relating to the details necessary for taking the Twelfth and subsequent censuses and for the continuous work of a permanent census office as he may deem proper.

That the director of the census is hereby authorized to print and bind in the census office such blanks, circulars, bulletins, and other small matters as may be necessary and advisable for the proper conduct of the census office.

That such records, books, and files as relate to preceding censuses as may be necessary in conducting the work of the census office, and the printing-office outfit used in the Eleventh Census, or so much thereof as may be necessary, and such furniture and property of whatever nature used at the Eleventh Census as can be spared by the Secretary of the Interior, shall be transferred to the custody and control of the census office created by this act; and all such property, furniture, and records shall be inventoried by the proper officers of the Department of the Interior when such transfer is made to the director of the census, and a copy of the inventory shall be filed and preserved in the office of the Secretary of the Interior and in the office of the director of the census.

That the Director of the Census may authorize the expenditure of necessary sums for the traveling expenses of the officers and employees of the Census Office, stationery, and the necessary expenses incidental to the carrying out of this act, the furnishing of offices and the rent thereof, not to exceed a rental of \$5,000 per annum, and the conduct and maintenance of the printing office herein authorized, and shall annually make a detailed report to Congress of such expenditures. And for the purpose of carrying out the provisions of this act relative to the census the sum of \$75,000, to be available on the passage of this act, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall continue available until exhausted; but nothing contained in this act shall be construed as changing existing law so far as it relates to the completion and the distribution of the results of the Eleventh Census.

Mr. GORMAN. I think that amendment is subject to the point of order that it is new legislation.

Mr. CHANDLER. I hope the Senator will not make the point of order. The amendment contains the appropriation for starting the next census. It is reported by the Committee on the Census, and this simply makes the necessary provision for organizing the census force by means of this appropriation. I would ask the Senator from Maryland [Mr. GORMAN] in all good faith why it is not in order?

Mr. GORMAN. This matter may have been considered by the Committee on Census, but it has not been referred to the Committee on Appropriations. It is certainly new legislation.

Mr. CHANDLER. Does the Senator make the technical point that it has not been referred to the Committee on Appropriations?

Mr. ALLISON. It has been.

Mr. GORMAN. It has been?

Mr. CHANDLER. Yes. It makes an appropriation for starting the next census, and I would like the Senator in all good faith to tell me why it is not in order—appropriating \$75,000, and having been referred to his committee—to begin the organization of the next census.

Mr. GORMAN. I think it is general legislation.

Mr. CHANDLER. No; it is special legislation in connection with that subject.

Mr. GORMAN. There is no necessity whatever for loading this bill down. I have no doubt the general scheme of having a permanent census is a great one, but I think we had better let something go over until after the 4th of March. I can not withdraw the point of order.

Mr. CHANDLER. I do not wish to put any strain on the Chair to decide whether this is or is not in order, and I will take the decision of the Senator from Maryland and put the responsibility on him of objecting to the adoption of this amendment. But it is just as much in order and ten times as necessary as a great many amendments that have been put on this bill while the Senator from Maryland has sat in his chair and has not objected.

Mr. GORMAN. I should be glad if I could withdraw my objection to the amendment. But the temper shown in this body this afternoon indicated that anything on the face of the earth might be put on the pending bill. It has run up now, I think, to about fifty-four or fifty-five million dollars. We have made a river and harbor measure of this bill; we have made a public-buildings appropriation measure of this bill.

Mr. CHANDLER. All by the committee of which the Senator is a member.

Mr. GORMAN. No, but by the Senate.

Mr. CHANDLER. No; by the committee.

Mr. GORMAN. Here we stand to-night at nearly 11 o'clock with the largest appropriation bill that has ever passed Congress, one that carries more money than the condition of the Treasury will warrant, when every Senator is aware of the fact that from July last until to-day we have a deficiency of \$48,000,000 in the Treasury—that is, the expenditures have been that much greater than the receipts; when every Senator is aware of the fact that if we continue to add amendments to this bill, and make provision for necessary and unnecessary objects, the probability is that we shall have to deal with this question again.

I do not hesitate to say that the Congress of the United States will be properly subjected to the charge of extravagance, to the charge of useless expenditures, to the charge of creating useless offices, offices piled up here at this session of Congress, when there can be no earthly necessity for it. There is no earthly necessity for it. We shall have time hereafter to consider whether we shall increase appropriations already amounting to \$500,000,000 a year, when we are confronted, as we shall be within twenty-five days, with the question of increasing taxation. We ought not at this time, when a new Administration is about to take charge of the Government, to lay foundation for the charge that by prior extravagance we have compelled them to increase taxation. For one, I object to it. The Senator from Virginia [Mr. DANIEL] asks me how much the bill carries. I would say fifty millions as it came from the House of Representatives, and, with the additions made to it by the Senate, I have no doubt it will exceed \$54,000,000.

Mr. ALLISON. Not quite so much.

Mr. GORMAN. Not quite so much, the Senator says. Well, \$51,000,000, as reported by the Committee on Appropriations, and, in addition, whatever has been put on the bill by this body. But here is a proposition to make a new department of the Government. If it is wise, I have no doubt—

Mr. CHANDLER. This does not create a permanent Census Bureau.

Mr. GORMAN. Practically that is what it does.

Mr. CHANDLER. It begins the work of the next census this year; and it will save money to the Government to begin it this year.

Mr. GORMAN. That may be, Mr. President; but let it wait until after the 15th day of March, when we can consider it. I have no doubt that the committee which considered it have given it proper consideration, but I think it ought to come as an independent proposition when we can look into its details and can give time to its consideration, and not put it on an appropriation bill.

Mr. CULLOM. Mr. President, I wish to say just one word. I have believed for a good while that the manner in which we went to work to take the census was a very expensive one, and that there ought to be some change in the law, as to the time in which the work should begin. I do not suppose that it is necessary for me to say, because every Senator knows, that the taking of the census has been a most expensive affair, especially the last two censuses, as to which I myself have had some knowledge. This large expense has resulted for the greater part from the delay by the Government in making preparation for it.

We have allowed legislation to be neglected until we reached the very point of time when the work should begin. The consequence has been that from want of knowledge the results of part

of the work done had to be discarded, and the whole thing resulted in a comparatively poor census and an exceedingly expensive one. Hence the Committee on Census this year concluded that we ought to report a bill at this session providing for the creation or the appointment of a census officer with some power to proceed and get ready for the work.

While this preliminary preparation may cost forty or fifty or sixty thousand dollars, I have no doubt that its expenditure would result in a saving to the Government of half a million dollars or more, whereas if we let it run along again until we reach the point of time at which we shall be forced into the performance of that duty, we shall again have an expensive census, and a census not so well taken as it might be if we should adopt this amendment or something like it, and thus prepare for the work, so that the Government might go at it in the right way.

I appreciate the remarks of the Senator from Maryland [Mr. GORMAN] with reference to the large amount carried by this bill, but the addition of the little sum proposed in the pending amendment will be but slight. I would not insist upon it if I did not believe that it would result in saving hundreds of thousands of dollars if passed at the present session. By the amendment some man would be appointed to take charge of this work and organize it, and lay the foundation for the taking of the census in the right way before the time comes for the actual doing of the work itself. I will go with the Senator from Maryland in trying to save money and avoid all unnecessary expenditure, but I think this is one of the things we ought not to hesitate about. If there is any way to save money in the performance of public duty, it is in preparation of the kind contemplated by this amendment. I therefore hope the Senator from Maryland will withdraw the point of order.

Mr. GORMAN. I can not do it, Mr. President.

Mr. CHANDLER. I wish to make a last appeal to the Senator from Maryland. The cost of the last census was over \$11,000,000. This is an appropriation of \$75,000 to start the organization of a census office, and surely the money will be saved to the Government by beginning now. I really hope the Senator from Maryland will withdraw his point of order. There are members of his own committee who think this thing ought to be started, and I do not like to have him try his annual economic fit upon me.

Mr. GORMAN. I am very glad always to oblige the Senator from New Hampshire. I think that annually he makes this same appeal to me to withdraw objection to appropriations of money.

Mr. CHANDLER. No, Mr. President, never before. This is the first time in ten years.

Mr. GORMAN. I must decline; Mr. President, to accommodate my friend on this occasion. He will have ample opportunity, and I want him and his friends to take the full credit after the 4th of March, to ring in the proposition that we ought to have established these offices. I do not want to deprive them of the opportunity, and I therefore insist upon the point of order.

The VICE-PRESIDENT. The point of order is made by the Senator from Maryland that the amendment is general legislation. The Chair is compelled to sustain the point of order.

Mr. CHANDLER. I am not at all disappointed in the Chair, but very much disappointed in the Senator from Maryland. [Laughter.]

Mr. CARTER. I offer an amendment, to come in on page 83, at the end of line 14.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 83, after line 14, it is proposed to insert:

And the Secretary of War may in his discretion use not to exceed \$20,000 of said sum to purchase the former post traders' building at Fort Assiniboine, in Montana.

The amendment was agreed to.

Mr. SQUIRE. On page 91, after line 9, I move to insert the amendment which I send to the desk.

The amendment was read, and agreed to, as follows:

That the Secretary of War be, and he is hereby, authorized and directed to expend from the appropriation of \$25,000 "For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith," made by the "Act making appropriations for the construction, repair, and preservation of certain public works of rivers and harbors, and for other purposes," received by the President August 7, 1894, the sum of \$10,000 for making a definite survey and location of the improvement of the said waterway from the head of Salmon Bay to termination on Smiths Cove, and connect with former survey from Lake Washington to head of Salmon Bay, and for preparing a cadastral map showing each piece of property required to be deeded to the United States or from which a release is required, with its metes and bounds.

Mr. SQUIRE. In connection with the amendment just adopted I submit certain papers, which I ask to have printed in the RECORD.

The papers are as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 24, 1896.

SIR: I have the honor to return herewith a letter, dated the 21st instant from the Senate Committee on Commerce, inclosing for the views of the War Department thereon S. 3309, Fifty-fourth Congress, second session, "A bill

authorizing the Secretary of War to expend a portion of an existing appropriation for making a survey and location of the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington, and preparing a cadastral map."

The river and harbor act of August 17, 1894, in making an appropriation of \$25,000 for dredging Salmon Bay, and the improvement of the waterway connecting the waters of Puget Sound with Lakes Union and Washington, provides that no part of said amount shall be expended on the improvement until the entire right of way and a release from all liability to adjacent property owners have been secured to the United States free of cost and to the satisfaction of the Secretary of War. By the sundry civil act of March 2, 1895, the authority of Congress was given for the expenditure of \$5,000 from the appropriation of August 17, 1894, in making a definite survey and location and in preparing the papers necessary to secure the right of way to the United States. The report giving the results of this survey is printed in the annual report of the Chief of Engineers for 1896, page 3356 et seq.

This survey, however, only included the route from Lakes Union and Washington to the foot of Salmon Bay. Since that time the Secretary of War has, in accordance with authority granted by law, selected the "Smiths Cove route," which necessitates the condemnation of right of way from Salmon Bay to Smiths Cove, over which portion of the route no survey has yet been made and for which survey no portion of the existing appropriation for the improvement of this waterway can be used without the special legislation herein proposed. The cost of such survey can not now be definitely determined, but it is not thought it will be \$10,000. It is, therefore, suggested that after the word "dollars," in line 14 of the accompanying bill, there be added the words, "or as much thereof as may be necessary."

A copy of the bill as thus amended is herewith.

Very respectfully, your obedient servant,

W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

HON. DANIEL S. LAMONT,
Secretary of War.

SEATTLE, WASH., February 25, 1897.

HON. WATSON C. SQUIRE,
United States Senate, Washington, D. C.:

Replying to yours of to-day, I have to say: The action of the Honorable Secretary of War, changing the route of Lake Washington Government Canal, pursuant to act of Congress, so as to debouch into Smiths Cove instead of Shilshole Bay renders necessary an additional survey to cover and connect that part of the canal running from head of Salmon Bay to Smiths Cove with the previous survey. The very same reasons exist for this as for the previous survey. Without it, the condition imposed in the appropriation for construction can not be met, for it is impossible for us to convey to Government a right of way or a release from damages that is unsurveyed and therefore undened.

Our citizens are endeavoring with utmost good faith and diligence to meet the condition. They have procured an act of our legislature for condemnation of the right of way and all items of damages in order that the right of way and damages may be condemned and paid for and the right of way and release from damages be turned over to the United States. A suit is now pending under that act and in process of trial for such condemnation as far as the right of way and damages have been defined by survey. Our citizens are exceedingly urgent that the right of way and release be tendered to the Government as speedily as possible, and are only prevented from proceeding to condemn and tender the remainder of the right of way and items of damages by the failure of the Government to define by survey what it is exactly that the Government wants. Our city and country are practically a unit on this matter. It will be very strange if the Government refuses to define a condition which it requires to be met. We hope to hear within a few days that the amendment to the sundry civil bill will carry the item of \$10,000 for this necessary and reasonable survey.

ROGER S. GREENE,
Chairman Lake Washington Government Canal Committee.

SEATTLE, WASH., February 26, 1897.

HON. WATSON C. SQUIRE,
United States Senate, Washington, D. C.:

Replying to yours of yesterday, I beg to say our citizens are amazed at hesitation to appropriate \$10,000 for survey of that portion of route for Lake Washington Government Canal recently changed by the honorable Secretary of War. Two previous appropriations await securing of right of way by us, which can not be completed until Government defines the ground of this new portion. Condemnation proceedings against 800 defendants are now on trial and well toward completion for securing right of way so far as defined by Government. All previous steps of the United States, of State legislature, and of our city and county will be placed in suspense and be discredited if provision is not made now for defining on the ground the recent change specified by Secretary of War. With full knowledge of facts, there can be no ground for withholding the amount needed to complete this survey.

W. D. WOOD, Mayor of Seattle.

Mr. HAWLEY. I am authorized by the Committee on Public Buildings and Grounds to offer the amendment which I send to the desk.

The SECRETARY. On page 2, after line 5, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, such additional land as he may deem necessary, and to cause to be erected an addition or extension to the United States custom-house and post-office building at Bridgeport, Conn., for the use and accommodation of the Government office in said city, upon plans and specifications to be prepared by the Supervising Architect of the Treasury Department, the cost of said additional land and extension or addition not to exceed \$100,000.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment, to be inserted on page 55, after line 17. This amendment, I will say to the Senate, is in the nature of legislation, but is very much desired by the senior Senator from Vermont [Mr. MORRILL], who is unable to be present during these night sessions, and I will ask unanimous consent that it may be inserted in the bill.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After line 17, on page 55, it is proposed to insert:

Sections 2525 and 2526 of the Revised Statutes are hereby amended to read as follows:

"SEC. 2525. On and after October 1, 1897, there shall be in the State of Vermont two collection districts, as follows:

"First. The district of Vermont to comprise the counties now constituting the First Congressional district of Vermont, in which district Burlington shall be the port of entry, and St. Albans, Alburg, East Alburg, Swanton, Highgate, Franklin, West Berkshire, Windmill Point, and Richford, supports of entry.

"Second. The district of Memphremagog to comprise the counties now constituting the Second Congressional district of Vermont, in which district Newport shall be the port of entry, and North Troy, Derbyline, Island Pond, Canaan, and Beecher Falls supports of entry.

"SEC. 2526. There shall be in the district of Vermont a collector, who shall reside at Burlington, and whose salary shall be \$2,000 per annum; and in the district of Memphremagog a collector, who shall reside at Newport, and whose salary shall be \$2,000 per annum: And provided further, That the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise, without appraisement, are hereby extended to each of the several ports in the two districts provided for herein, and to the supports of St. Albans, Richford, Island Pond, and Beecher Falls."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. ALLISON. I ask unanimous consent that the amendment may be agreed to. I will say that it has been referred to the Committee on Commerce, and has been reported favorably by that committee and referred to the Committee on Appropriations.

Mr. CHANDLER. In whose behalf did I understand the Senator from Iowa to say he offered the amendment? Did he say it was offered in behalf of the senior Senator from Vermont?

Mr. ALLISON. And the junior Senator, who sits by my side, I may also say.

Mr. CHANDLER. Although the senior Senator be absent, I feel that an amendment of this importance should not be adopted in his absence, unless vouched for by the junior Senator, who is present.

Mr. PROCTOR. I will say with reference to this matter that there are 35 collection districts in New England. I take these figures from the last report of the supervising special agent of the Treasury. Of those 35, there are 14 in Maine, 10 in Massachusetts, 5 in Connecticut, 3 in Rhode Island, 1 in Vermont, and 1 in New Hampshire.

Of course, Boston is the largest district. Senators will understand that the labor of a district depends more upon the number of entries that are made than upon the amount of the duties collected. The entries made in Vermont are three-fourths as many as the entire entries in the ports of Boston and Charlestown, and they are more than four times as many as the entire entries in the other thirty-three districts of New England. If the district is divided, as proposed, each district will be larger than any other district in New England, except the port of Boston and Charlestown.

Now, a word about the situation. The northern border of Vermont is a very wide one, and there are six or seven railroads coming in, some of them at the extreme northwestern corner and the others at the northeastern corner. The collector is located in the northwest. He is well located for about one-half of the business of the district, and very badly located for the other half, being separated from it by a mountain range. He can more easily get to Boston or New York, 300 or 400 miles away, than to the other end of his district. This measure is in the interest of economy, and provides for two collectors, each one in the center of his district.

Mr. GORMAN. Let me ask the Senator from Vermont when this provision is to go into effect?

Mr. PROCTOR. On the 1st of October. The term of the present collector will expire either in August or on the 1st of September. It gives him, of course, another month or two's lease of official life, but it goes into operation at the beginning of a quarter, which is important, and it is quite important that it should be determined on early, so that provision may be made for it. I have consulted fully with the present collector, who is a most able and excellent gentleman. The measure was framed, I may say, substantially in the Treasury Department, with the exception of a few details, and was submitted to the present collector.

Mr. GORMAN. I am, of course, in great sympathy with the Senators from Vermont in their desire to increase the number of public offices, and to get their fair share in Vermont of the number of collectorships. It is true that they have been discriminated against—Connecticut, Massachusetts, and Maine having had more than their full share. I had hoped, however, that this increase of offices, which must come, would be at least delayed until the party of which the distinguished Senator, as we understand on this side of the Chamber, is one of the prime ministers, should come into power in all branches of the Government.

I had hoped, after the many declarations which have been made by our friends on the other side in favor of civil-service reform, a reform which they have so much at heart, the core of which I understand to be that good men should be retained in office, that

Mr. Bradley B. Smalley, who is one of the model collectors of the United States, would possibly be retained because of his great efficiency; and I am sorry to know that we are now to sacrifice him, and that he is to be the first victim, by legislation. I really think the Senator ought to spare us on this side of the Chamber the painful necessity of speaking to such an amendment at this time.

The result of the November election has brought to the country a new Administration, and our friends on the other side will shortly come into full possession of the offices, and not only of the present offices, but of an increased number. Vermont, however, has but one collector, and as this amendment does not, as they say, and as I understand, largely increase the expenses of the Government, and as it gives opportunity to two patriotic men to protect the flag and uphold the honor of the Government, I shall not make the point of order on it.

Mr. CHANDLER. I wish to say a few words in reference to the economy—

Mr. HALE. If the debate is to be continued, I raise the point of order.

The VICE-PRESIDENT. The point of order is made. The Chair recognizes the Senator from New Hampshire [Mr. CHANDLER] on the point of order.

Mr. HALE. If the matter is to be discussed further, I make the point of order.

Mr. CHANDLER. If the Senator will withdraw his point of order, I will not debate the question. Does the Senator accept the offer?

Mr. HALE. Yes.

The VICE-PRESIDENT. Is the point of order withdrawn?

Mr. HALE. It is withdrawn.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. In behalf of my colleague, I offer the amendment which I send to the desk.

The SECRETARY. On page 57, after line 4, it is proposed to insert:

For payment to the heirs and legal representatives of those who were killed while in the employ of the United States in the discharge of their duties on the 3d day of July, 1893, at the United States torpedo station on Goat Island, in the harbor of Newport, R. I., by the explosion of the gun-cotton factory, \$15,000; of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of \$5,000: Frank Loughlin, Jeremiah Harrington, and Michael O'Reagan: *Provided*, That where the deceased left a widow and children the widow shall receive one-half and the children shall share alike.

Mr. HILL. I understand the Senator from Rhode Island to be imitating the tactics of the other Senator who offered an amendment. The Senator from Rhode Island offers the amendment on behalf of his colleague.

Mr. ALDRICH. My colleague has been detained, and I promised him before he went away that I would offer the amendment for him.

Mr. HILL. The other amendment was offered on behalf of an absent Senator. Still, from the names mentioned in the amendment, it looks a little Democratic, and I will not offer objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SQUIRE. I offer the amendment which I send to the desk, to come in on page 119, after line 14.

The SECRETARY. After line 14, on page 119, it is proposed to insert:

That the Secretary of the Interior be, and is hereby, authorized to apply the sum of \$25,446.93, being balance remaining unexpended of the appropriation made by the "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes," approved March 3, 1893, for the purchase of a site in the State of Washington, and for the erection of a penitentiary thereon, to the construction of a wing to the penitentiary building at Walla Walla, in the State of Washington.

That the Secretary of the Interior be, and is hereby, authorized to convey the land already purchased under the said act to the State of Washington and to transfer to the said State of Washington the penitentiary building when completed.

Mr. SQUIRE. Mr. President, I wish to say only one word. I am not going to discuss the amendment. I will simply refer to the fact that an appropriation of \$30,000 was made for the penitentiary at Walla Walla in 1893. About \$5,000, or a little more, of that money has been already expended under the direction of the Secretary of the Interior. The Secretary of the Interior, in his annual report submitted to Congress in December last, gives the reasons why this sum should be reappropriated. It has been already reappropriated, but on account of technical difficulties, which came as between the Department of the Interior and the Department of Justice, the Secretary of the Interior recommends that this appropriation be made; and the amendment has been drawn in consequence of a consultation by myself with the head of the Interior Department. I venture to ask that that portion of

the report of the Secretary of the Interior in relation to this subject be incorporated in my remarks.

PENITENTIARY BUILDING, STATE OF WASHINGTON.

In the deficiency appropriation act approved March 3, 1893 (27 Stat. L. 661), an appropriation for the purchase of a site in the State of Washington and for the erection of a penitentiary thereon was made in the following terms:

"Penitentiary building, Washington: To carry into effect section 15 of an act entitled 'An act to provide for the division of Dakota into two States and to enable the people of North Dakota and South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union and on an equal footing with the original States, and to make donations of public lands to such States.' For the purchase of grounds and the erection thereon of a penitentiary in the State of Washington, under the direction and supervision of the Secretary of the Interior, and upon such tract or parcel of land in said State as shall be designated by said Secretary, \$30,000: *Provided*, That the money hereby appropriated shall be devoted exclusively to the purchase of the necessary grounds and to the erection of a penitentiary in said State; and the penitentiary of the State of Washington is hereby located at or near the city of Walla Walla, Wallawalla County, in said State."

Shortly after the passage of said act the governor of the State of Washington and the secretary of the board of directors of the Washington State Penitentiary called attention to the appropriation by Congress for the purposes above mentioned and claimed that it had been appropriated for the purpose of erecting a wing to the State penitentiary at Walla Walla, in which conclusion, however, the Department did not concur, inasmuch as the act in question did not in terms so provide or grant to the State of Washington the lands to be purchased or the penitentiary building to be constructed thereon, nor authorize the transfer of the same to the State by the Secretary of the Interior when completed.

Subsequently, in September, 1893, in response to an inquiry, the United States Senator from Washington (Hon. WATSON C. SQUIRE) was advised as to the view of the case aforesaid, and it was suggested, as the appropriation for the penitentiary was small, it might be advisable, in the interest of economy, to construct the same as a wing to the existing State penitentiary building, provided the United States could purchase the necessary ground and have the use in the construction, if required (without cost to the Government), of a part of said penitentiary wall, the absolute control, however, of the new wing to remain, upon completion, in the United States.

No response having been made to such proposition, in June, 1894, the Department, as a preliminary to the commencement of the work contemplated in the act, appointed a commission for the purpose of examining and recommending a suitable site near Walla Walla, Wash., on which to construct the penitentiary building. The tract selected by this board, consisting of 40 acres of land near the city of Walla Walla, was accepted by the Department, the title of the vendor thereof was approved by the Attorney-General, and thereafter, upon the conveyance of the land to the United States, the consideration named in the deed therefor, to wit, \$4,000, was paid.

Thereafter plans and specifications for the penitentiary to be constructed near Walla Walla were prepared, but no contract for the work was let nor has any building been constructed, for the reason that the Attorney-General, who had been requested to direct an officer under his supervision in Washington to designate on the site purchased a suitable location for the building, declined to do so, holding in effect that it was evidently not the intention of Congress to provide, in the act of March 3, 1893, for the construction of a Federal penitentiary at Walla Walla, but merely one for the State of Washington. Subsequently that officer was requested to advise the Department whether the land purchased in the name of the United States as a site for such penitentiary building, and the building to be constructed thereon after its completion, could be transferred to the State of Washington without further legislation, to which the following reply was made:

"I have the honor to acknowledge your letter of the 9th instant, and to say in reply that I think further legislation is required in the matter of the penitentiary at Walla Walla, Wash. For the reasons stated in my letter of the 9th instant, I think the situation is anomalous. The appropriation (27 Stats., 661) under which you purchased grounds and propose to erect a penitentiary in the State of Washington is in terms made 'to carry into effect section 15' of the enabling act under which the two Dakotas, Montana, and Washington were admitted into the Union. The act of March 2, 1881 (21 Stats., 378) had appropriated \$30,000 for the erection of a penitentiary in the Territory of Dakota. Section 15 of the enabling act expressly granted to the State of South Dakota the lands acquired under the act of 1891 and any unexpended balances of the moneys thereby appropriated; and, having also transferred to Montana the penitentiary and all lands connected therewith at Deer Lodge City, provided:

"And the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota."

This was merely a promise to make the four States equal by providing North Dakota and Washington with penitentiaries, as had been done with South Dakota and Montana. The act of 1893 (27 Stats., 661) was merely in the line of performing that promise. But, as I am advised that Washington already has a penitentiary, it seems to me the attention of Congress should be called to the matter before any further expenditure of money is made. Certainly there is no authority at present for the transfer of the land you have already bought with the money appropriated by the last named act."

The attention of Congress should be directed to this matter to the end that if such was its intention originally, the act should be so amended as to authorize the construction of the penitentiary building provided for in the act of 1893 as a wing to the penitentiary building of the State of Washington at Walla Walla; furthermore, that authority be conferred upon the Secretary of the Interior to convey the land already purchased under said act to that State and to transfer to the latter the penitentiary wing when completed.

Of the appropriation of \$30,000 for the purpose stated in the act of March 3, 1893, there has been expended for expenses of commission to select site for building, preparation of plans and specifications, and purchase of 40 acres of land, the sum of \$4,533.07, leaving an available balance at this time of \$25,466.93.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment.

The SECRETARY. On page 120, at the end of line 22, it is proposed to insert:

Provided, That hereafter the clerks of the several United States circuit and district courts in South Dakota, Montana, and Washington shall be entitled to charge and receive the same fees and compensation allowed by law to similar officers performing similar services in the States of North Dakota, Oregon, and Idaho.

The amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment that has been favorably reported by the Committee on Fisheries, and is recommended by the United States Commissioner of Fish and Fisheries.

The SECRETARY. On page 43, after line 25, it is proposed to insert:

For the purchase of the fish hatchery belonging to the State of California, located at Battle Creek, in said State, now operated by the United States Commission of Fish and Fisheries, together with water rights and privileges appertaining thereto, and 10 acres more or less of land adjoining said hatchery, \$4,500.

The amendment was agreed to.

Mr. CHANDLER. In behalf of the chairman of the Committee on Immigration [Mr. LODGE], and in behalf of the committee, I offer an amendment.

The SECRETARY. It is proposed to insert at the end of the bill:

That the Secretary of the Treasury, for the purpose of carrying out the recommendations made in the report of the Immigration Investigating Committee, dated October 7, 1895, may make leases and renewals thereof, for a term not exceeding ten years, of certain lands on Ellis Island, New York Harbor, not exceeding 37,500 square feet, adjacent to and connected by bridge way with the main building, for the erection of a building to be used as a land and labor bureau.

Mr. GRAY. I should like to hear something about the amendment before it is voted on.

Mr. CHANDLER. I have some papers in my hand that show the project, but I will say that it is deemed by the immigration authorities advisable to have a large building erected there by private parties to aid in distributing immigrants around over the country.

Mr. GRAY. That matter has been brought up, it appears to me, before; it has been broached in the Senate, and it evoked some criticism and some opposition that the Government should be in partnership with private parties in this matter of regulating immigration into this country. It may be unobjectionable, but it does not seem so to me.

Mr. CHANDLER. I will say that the Senator is mistaken. The Government is not to be in partnership with any private parties. This simply authorized the lease of some ground.

Mr. GRAY. I understand, and if I am wrong the Senator will correct me, that the project is to lease Government land to private parties and erect buildings for the reception of immigrants who are now under the control of the Government immigrant inspectors, in order to distribute them throughout the country by the transportation agents who will have access to that building. I think that is almost too much of a project to incorporate at this late hour on Sunday night in an appropriation bill.

Mr. CHANDLER. I see no objection to it myself.

Mr. GRAY. I have given some thought to it. There is some objection to it.

Mr. ALLISON arose.

Mr. GRAY. I make the point of order on the amendment.

Mr. ALLISON. I arose to make the point of order on it.

Mr. CHANDLER. I suppose the point of order is no stronger, being made by two Senators, is it, Mr. President?

Mr. ALLISON. I think it is.

The VICE-PRESIDENT. The point of order is sustained.

Mr. FAULKNER. I feel some delicacy about asking recognition, but if there is no one else to offer an amendment, I rise to submit one.

On page 51, I move to have stricken from the bill the matter commencing with line 6 and to line 23, inclusive, which is the provision of the bill as it comes from the House, in reference to the transfer of the General Post-Office Department and certain bureaus under it to the city post-office building. Of course it is recognized that this was not intended originally for this purpose, but the object of my amendment is not to interfere, provided it is proper to make the transfer. Upon examination of the hearings before the committee of the House and other information which I have obtained, it is clear that there is at least 10,000 square feet of space less assigned to the General Post-Office in the city post-office building than they are now occupying in the offices in which they are at present located. They are to-day overcrowded, and can not properly work or perform their duties in their present location.

If this be a correct statement of the facts, shown in the hearings on pages 241 and 242, which was called to the attention of the committee before the bill was reported, I think it is proper that this matter should go into conference; and if, as I understand, there is a difference of at least nine or ten thousand square feet in favor of the present location, it may be remedied, if the committee think proper to make the transfer, by not including all the bureaus suggested in this amendment, but leaving some of them where they are located until further arrangements can be made. I want to put the matter in conference, so that it may be examined by the conferees.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 5, on page 51, it is proposed to

strike out all of the bill down to and including line 23 on the same page, as follows:

The Secretary of the Treasury shall notify the Postmaster-General as soon as the post-office building in the city of Washington is completed and ready for occupancy, and thereupon the Post-Office Department, including the Money-Order Office and the office of the Auditor for the Post-Office Department, including the records of said office now in the Union Building, and the office of the Topographer, shall be removed to said post-office building, and shall occupy therein, together with the city post-office, such rooms and other space as shall be assigned by the Postmaster-General, and thereafter said building shall be under the control of the Post-Office Department.

As soon as the present Post-Office Department building is vacated as herein provided the same shall be turned over to and thereafter be under the control of the Interior Department, to be occupied by the Indian Office, General Land Office, and such other offices or parts of offices or bureaus of the Department as the Secretary of the Interior shall direct.

Mr. NELSON. I make the point of order against the amendment. It is plainly the object to get the amendment into conference, and I do not want it to get into conference. I do not want it to get into a position where it can possibly be in conference. If it is further insisted on, I shall call for a yeas-and-nays vote upon it.

Mr. FAULKNER. It is a House provision, and no point of order can be made on my motion. It is made in absolute good faith to enable the conferees to ascertain whether this can be done, and if not fully, in justice to the public service, that they can take from it one or two of the small bureaus and leave them where they now are.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from West Virginia. [Putting the question.] The yeas appear to have it.

Mr. FAULKNER. I call for the yeas and nays.

Several SENATORS. Oh, no.

Mr. FAULKNER. I withdraw the call.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MANTLE. I desire to offer an amendment to come in on page 8, after line 10.

The amendment was read and agreed to, as follows:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site for a public building in the city of Butte, Mont., there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of \$50,000. Said site shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet. The appropriation herein made shall be available during this fiscal year for the purchase of said site.

Mr. GALLINGER. I submit an amendment which in another shape has passed the other House of Congress, has been reported favorably by a committee of the Senate, and which does not carry a dollar of appropriation.

The SECRETARY. It is proposed to add at the end of the bill the following:

That hereafter it shall be unlawful for any person or persons to sell, dispense, or otherwise dispose of intoxicating liquors of any kind, or any compound or preparation thereof, either in the Capitol building in the District of Columbia, or upon any part of the public grounds upon which said building is situated. That any violation of this act shall be deemed a misdemeanor, and upon conviction shall, for each separate offense, be punished by a fine not exceeding \$500. That the courts of the District of Columbia exercising criminal jurisdiction shall have jurisdiction of all violations of this act.

Mr. HILL. In the interest of temperance, I am compelled to object to this prohibition amendment.

Mr. GALLINGER. I am very sorry, considering the day and the occasion, that the Senator objects, but I presume the amendment is subject to a point of order. Does the Senator make the point of order?

Mr. HILL. I was one of those who protested against the session to-day, and I knew that a great deal of wrong was likely to be done.

Mr. GALLINGER. Does the Senator make the point of order?

Mr. HILL. If we are to have a session on Sunday and other days, we must have the usual appliances, such as a well-regulated restaurant. While I do not object to applying prohibition to New Hampshire, I do object to applying it to the District of Columbia.

Mr. GALLINGER. We will vote on the amendment if the Senator simply objects.

Mr. HILL. I object, and make the point of order that it is unconstitutional and out of order.

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw the amendment?

Mr. GALLINGER. It had better be ruled upon.

Mr. HALE. Let the amendment be read.

Mr. GALLINGER. I will withdraw it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. VEST presented a memorial of 150 business men of St. Louis, Mo., remonstrating against the passage of the antiscaling railroad ticket bill; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Bates City, Columbia, Liberty, and Mayview, all in the State of Missouri, praying for the passage of the antiscaling railroad ticket bill; which were ordered to lie on the table.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BIRDS AND ANIMALS IN YELLOWSTONE NATIONAL PARK.

Mr. HOAR. I desire to ask that the bill (S. 1654) to amend an act entitled "An act to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes," be recommitted to the Committee on the Judiciary. That is agreed to by the Senator who reported it.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

FUNDING OF TERRITORIAL INDEBTEDNESS.

Mr. BRICE. The bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States passed the Senate a day or so ago, and a motion was made to reconsider the vote by which it was passed. I move to lay that motion on the table.

Mr. NELSON. I object. The Senator from North Carolina [Mr. BUTLER] is not in his seat, and he asked me to object in case the matter was brought up.

Mr. TELLER. Mr. President—

Mr. BRICE. I move to lay on the table the motion to reconsider, which I understand is not a debatable question.

Mr. NELSON. I move that the Senate adjourn.

Mr. TELLER (to Mr. NELSON). Do not do that.

Mr. BRICE. I ask unanimous consent to make a statement. I said to the Senator from North Carolina early in the evening that at this time in the evening I should make the motion. I understand he would have withdrawn the motion, but he did not care to withdraw the opposition to the bill, and I therefore said to him that this motion would be made at this time. It is late in the session. The motion is not debatable, and I ask for a vote on it.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Ohio.

Mr. NELSON. Is the motion debatable?

Several SENATORS. No.

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. NELSON. I shall call for a quorum if the motion is insisted upon.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the motion to reconsider.

Mr. PETTIGREW and Mr. NELSON called for a division.

Mr. TELLER. That will destroy the session for to-night. We might as well have the yeas and nays.

Mr. NELSON. I do not want this bill to go through, and I insist that it shall not go through to-night. I call for a division on the question.

The VICE-PRESIDENT. A division is called for.

Mr. CHANDLER. I suggest to the Senator from Ohio that he withdraw his motion and renew it at some other time.

Mr. STEWART. When there is a quorum present.

Mr. HALE. Evidently we can not get through with this to-night. There is no quorum present.

Mr. CHANDLER. And we can go on with other business.

Mr. FAULKNER. We might as well stop anyhow.

The VICE-PRESIDENT. Senators in favor of the motion will rise and stand until they are counted. The Chair has no discretion in the matter, a division being demanded.

Mr. FAULKNER. I ask for the yeas and nays.

Mr. CULLOM. I ask the Senator from West Virginia to withdraw the call for the yeas and nays, so that the Senator from Colorado can call up the District of Columbia appropriation bill, which ought to be read to-night.

Mr. NELSON. I can not withdraw the demand for a division, and I will explain why. There is one paragraph in the bill which Senators, if they knew of it, would never approve.

Mr. CULLOM. Then I hope the Senator from Ohio will not press his motion to-night.

Mr. ALDRICH. It is very evident there is not a quorum here, and this motion can not be disposed of to-night. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Monday, March 1, 1897, at 11 o'clock a. m.